



Malawi's 2009 Parliamentary and Presidential Elections:

DEMOCRACY IN PROGRESS



THE ROLE OF THE MEDIA (Draft)

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Editorial Independence is better achieved with absolute freedom from political interference and other competing interest as demonstrated by media houses that are either run or owned by professionals other than politicians.

By Baldwin Chiyamwaka
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DRAFT

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Table of Contents

1.0	INTRODUCTION	3
2.0	MEDIA AND ELECTIONS: AN OVERVIEW	3
3.0	A HISTORICAL BACKGROUND TO MEDIA FREEDOM IN MALAWI	4
4.0	MALAWI’S EXTERNAL MEDIA POLICY FRAMEWORK IN THE 2009 POLLS	9
4.1	Theoretical Background	9
4.2	Malawi’s Democratic Milieu and Media’s Performance in 2009 Polls	10
4.3	Codes of Conduct: Expectations and Functions	13
4.4	Policy makers Influence: The Role of Parliament (2004 to 2009)	19
4.5	The Role of Government as Regulator	20
5.0	MEDIA CONTENT IN THE 2009 POLLS	25
5.1	Narrative Summary of Media coverage of Political Party Campaign	26
5.2	Voter Registration	27
5.3	Civic and Voter Education	28
5.4	Corruption and Fraud in the Electoral Process	28
6.0	Women’s Participation in the Electoral Process promoting women	29
6.1	Propaganda Messages	30
6.2	Opinion Polls	31
6.3	Polling Day	32
6.4	Voting and Counting; Electronic Media	33
6.5	Post Election Situation	34
7.0	CONCLUSION: LESSONS LEARNT AND TRENDS	34
7.1	Lessons Learnt	34
7.2	Negative Trends 2004-2009	34
7.3	Positive Trends	35
8.0	REFERENCES	35

1.0 INTRODUCTION

Media performance during elections primarily depends on the context in which the media operate and on the level of media autonomy and diversity. In order for us to effectively examine the role of the media in Malawi's 2009 Parliamentary and Presidential Elections (PPE) our analysis should take into consideration the political and social context in which the Malawian media operates particularly during the 2009 electoral period. According to European Commission for Democracy through Law (Venice Commission 2005), this context is shaped by a variety of factors such as strength of the right to freedom of expression, connections between Media and Politics (that is, the degree of state control over broadcasters; the degree of partisanship displayed by media houses; the degree of integration of media houses and political elites – media ownership) and the extent of respect for media ethics within media institutions. Our focus on the political and social context will be on the external media policy framework. This is because the external media policy framework influences the formulation of internal media policy within each media house and the consequent media output.

This paper therefore addresses these issues firstly by providing a general overview of media and elections in a democratic system of government as it relates to Malawi's 2009 PPE. Secondly, the paper examines how Malawi's external media policy framework influenced media conduct in covering the elections. Here issues such as the Malawian democracy as part of the external framework, policy makers like Parliament are examined, regulators such as the government through Malawi Communications Regulatory Authority (MACRA), the legal framework, election regulation and election administration as administered by the Electoral Commission (nominally called the Malawi Electoral Commission - MEC); the influence of pressure groups like the civil society, the profession itself through Media Council of Malawi (MCM) as a self regulatory body are also examined. Finally, we critically analyse media products during the 2009 PPE that is, radio, television and newspaper content to determine the meanings and images they created to communicate messages to the electorate. Other topical issues such as how formulation and application of Internal Media Policy framework within media houses, Media Ownership and the Economic and business policies of the media influenced the media's role in the 2009 PPE have only been dealt with implicitly. If these had to be examined, it would make this paper too long.

2.0 MEDIA AND ELECTIONS: AN OVERVIEW

In modern democracies the media play a critical role. For many years now, globally, the media has assumed and reinforced its important role as a legitimate reflection of public interest and opinion. This is because they cover issues of 'public interest' and has a central role in forming 'public opinion'. The media is a strong pillar and tool of democracy functioning as both a catalyst of democracy and an instrument of democratic rule that makes good governance, transparency and accountability possible. Some authors argue that the media hold the actual power to circulate ideas among citizens. Thus enabling them to have personal opinions on issues and participate in public life. Such an argument suggests that media can influence the voting pattern in a democracy. In terms of the application of the agenda setting theory to politics, for instance, Maxwell McCombs and Donald Shaw established a causal relationship between the issues the media focus on and the opinions of undecided voters in the United States. As the media set the agenda regarding what issues are important and significant, people begin to form opinions and to discuss these issues. In this way, the media can define issues and shape the perceptions that underpin and steer political discourse and action.

However, the application of this theory to elections should not be interpreted that the media has power to sway the results of an election. It is being argued in some quarters of the Malawian society that during the 2009 Presidential and Parliamentary Elections, the public broadcasters, Malawi Television (TVM) and Malawi Broadcasting Corporation (MBC) played a great role in influencing Malawians' voting pattern in favour of the Democratic Progress Party (DPP) which won with a landslide victory. The influence of the media in their coverage of elections on the behaviour of the electorate is a controversial issue. There are many opinions, but there is no definite answer to the question related to the power of the media, to influence voters in their choice.

However, the media remain a fundamental element in an election as a democratic process. They provide candidates, politicians, parties and even the electorate with coverage and platform for public debate. It is arguable that media are tools of power and influence hence the desire by governments, institutions, individuals all over the world to control the media.

Like in any democracy, the media in Malawi are expected to be socially responsible. Responsibilities about what the media should do as well as responsibilities about what the media should not do. These expectations are necessary in order to serve better the interests of the Malawian society. In the interest of democracy, the media must thus encourage debate and diversity, and ensure accountability. The main function of the media in democratic elections therefore is to cover political facts and events in the most objective, impartial, balanced accurate and open way, promoting a variety of views and opinions as well as interpreting political party campaign messages in order to make the public understand the relevance of the information they receive. This is the fundamental principle of 'people journalism', aimed at promoting the participation of the Malawian electorate in the electoral process.

3.0 A HISTORICAL BACKGROUND TO MEDIA FREEDOM IN MALAWI

Media and Democracy

Freedom of expression and communication which begins with freedom of thought are necessary conditions for a democratic society. According to Guidelines on Media Analysis during Elections Observation Missions (draft copy) set by the European Commission Democracy through Law, there is a correlation between the development of free and active media and the level of freedom of the political system. It is believed that media can more easily flourish in open societies than in authoritarian ones. This also implies that the level of media freedom is dependent on the extent to which democratic systems allow media autonomy, diversity and pluralism. For example, a critical question that might arise is: to what extent does the Malawian society as a democratic system allow the media function freely, liberally and autonomously in democratic processes like during the 2009 elections?

The Loss of Freedom of Expression and Freedom of the Media – 1964 Scenario

In the 1964 General Elections Malawi began as a multiparty democracy with a number of political parties contesting in the first multiparty general elections. Malawi Congress Party (MCP) won massively becoming a dominant party. The other parties died on the way till Malawi became a one party system with a life state president. Tim Neale, Commonwealth Media Advisor to the Electoral Commission, who has been following media and political trends in Malawi since the early 1960s says, "the 1964 political crisis and upheaval in this country, soon after the achievement of independence from colonial rule,

meant that one of the major prizes of this victory – the prize of free speech – evaporated or was eliminated before it could become established”. This means that freedom of expression in Malawi died ‘embryonically’ and untested. Neale further explains that from then on, for a generation and more, any critical comment about the government – even a casual comment to a friend, overheard by the “wrong” person, could easily be the cause of arrest, possibly a beating by an over-enthusiastic Young Pioneer, maybe imprisonment very likely without trial. This greatly undermined media freedom to a great extent. According to Neale, *The Daily Times* was independent but careful not to offend. The *Malawi News* was an MCP newspaper. MBC was then, almost as it is today, virtually a department of the Ministry of Information that saw and sees its role as serving not just the government but the political interests of whichever party is in power.

Regeneration of Freedom of the media: the 1993 – 1994 Scenario

The referendum in 1993 which led to constitutional changes and the consequent first multi-party elections after 30 years, in 1994 were meant to change Malawi’s loss of its freedoms since the political crisis in 1964. The transition between 1993 and 1994 is remarkably exceptional in Malawi’s history of freedom of the media. For the first time, the Malawi Broadcasting Corporation opened up to all political parties. Malawians observed with fascination the creative potential and professionalism MBC’s staff had. Hitherto MBC operated on the dictates of government and MCP and therefore had all the while kept their potential latent for lack of editorial independence. During this time, His Excellency, the Life President, Ngwazi Dr. H. Kamuzu Banda and the MCP were still in power and in control of MBC and the print media which was as well largely state controlled. Nevertheless, Malawians and the world over applauded MBC for attempting to exercise their editorial freedom. One reason that most media and political commentators have given for this is that The Electoral Commission which was then generally accepted as the sole regulator had very precise election reporting guidelines was effectively. “Since that election period, during which even MBC performed a remarkable balancing act that impressed the world and not just Malawians, free speech has become the norm, socially, in the newspapers and in the expanding private radio sector” comments Tim Neale. However, once again, the experience with MBC did not last long.

Malawi’s Second loss of Freedom of the Media: the 1994 to 2004 Scenario

The United Democratic Party (UDF) which formed the first government in the multiparty era after the 1994 PPE, did not take long to realise that even after the end of 30 years of autocratic rule and the coming in of pluralism, radio remained the most powerful media of influence since it had the ability to reach the majority of Malawians who predominantly live in the rural areas. Instead of consolidating MBC’s performance during the transition, UDF seized the public broadcaster, in a tight fistful clutch, clasped it so dearly and used it as one of its weapons to deal with its opponents. This was the Genesis of satirical programmes, where speeches of political opponents were broadcast out of context. MCM has it all in their report:

This problem could be traced way back during the time when late Dr. Chakufwa Chihana quit government as the 2nd vice president of Malawi and moved his party out of coalition with UDF in the late 1990’s. It did not take long before MBC began satirizing the speeches he made while in government. Therefore this art and creativity of coming up

with satirical programmes using people's voices is not only getting advanced but is also getting the producers becoming more ingenious with time at MBC. Unfortunately, it appears that this has now been entrenched in the employee's mind at MBC as the order of the day (MCM Report on meetings with MACRA, MBC, TVM and Joy Radio, 31 July 2008).

The UDF government added to its media arsenal to intensify its attacks on the opposition, the first and only television then, Television Malawi (TVM). Established as a private limited company owned by the Malawi Government, like MBC, TVM was clearly biased towards the UDF and its government.

2004 to 2009 Scenario: The Worst Period?

The situation did not change at all after the 2004 PPE. If anything the public broadcasters' propaganda tricks were perfected only to become a worse armoury to deal with its mentor the UDF. The EC, MACRA and EU (interim) Media Monitoring Reports for 2009 PPE all agree on the biased performance of the public broadcasters towards the DPP. In fact, some media experts and political observers view the performance of MBC and TVM in the 2009 PPE as the worst ever. "Sadly, the public service broadcasters' chance to develop into a pillar of democracy was soon lost as the new government decided that it could not release this most powerful weapon for monopolizing access to and so influencing the people" laments Tim Neale. He asks, "Can it be that all parties in Malawi with an eye on a future position of power are loath to risk arriving one day as victors having, in opposition, voted this weapon out of their armoury?"

CATEGORIES OF MEDIA HOUSES IN MALAWI

Public Media Houses

These constitute all the media houses that are enacted by Parliament and financially supported by the government. Public-service broadcasters generally broadcast programmes that aim at making a difference in the lives of people by informing viewers and listeners about development issues. There are three public media houses namely Malawi Broadcasting Corporation (MBC) Radio I and II, Malawi Television Limited (TVM) and Malawi News Agency (MANA) the publishers of *Boma Lathu* and *Weekly News* which are directly under Ministry of Information and Civic Education.

Private Media Houses

These are private media houses being run as individual commercial entities. Unlike public broadcasters, the aim of private media houses is to provide popular content that attracts a large audiences, maximizing revenue from advertising and sponsorship. They constitute both print and electronic media houses. In this category we also have radio stations owned by religious institutions as well as communities. Below is a list of media houses in Malawi divided into print and electronic:

List of Broadcasters in Malawi

(Adapted from Media Council of Malawi Membership list and MACRA list of radio licenses)

BROADCASTER (RADIO/TELEVISION)	PROPRIETOR	CLASSIFICATION	COVERAGE
MBC Radio 1	State Owned	Public	All districts in Malawi
MBC Radio 2	State Owned	Public	All districts in Malawi
MIJ Radio	Malawi Institute of Journalism	Private	Blantyre, Lilongwe, Mzuzu
CFC Radio	Calvary Family Church	Religious	Blantyre
TVM	State Owned	Public	All districts in Malawi
Capital radio	Al Osman & Family	Private	All the country's three administrative regions
Power 101 FM	Oscar Thomson	Private	Blantyre, Dedza, Karonga, Lilongwe, Ntcheu
Joy Radio	Atupele Properties	Private	Mzuzu, Lilongwe, Blantyre, Mwanza, Neno, Mangochi, Machinga, Balaka, Thyolo, Mulanje, Chikwawa
Star Radio	Rev. Richard Lutwana	Private	Blantyre, Chiradzulo, Lilongwe, Thyolo
Channel for All Nations	Assemblies of God Church	Religious	Lilongwe
Radio Alinafe	Roman Catholic Diocese of Lilongwe	Religious	Mzimba and All districts in the Central Region except Dedza and Ntheu
Zodiak	Gospel Kazako	Private	All districts in Malawi
Radio Tigabane	Roman Catholic Diocese of Mzuzu	Religious	Mzuzu
Transworld Radio	Transworld International	Religious	Mzuzu, Mzimba, Nkhatabay, Lilongwe, Nkhotakota, Salima, Ntchisi, Dowa, Dedza, Zomba, Blantyre, Mwanza, Mangochi, Thyolo, Mulanje, , Phalombe, Machinga, Balaka, Neno,

BROADCASTER (RADIO/TELEVISION)	PROPRIETOR	CLASSIFICATION	COVERAGE
			Chikwawa, Nsanje.
Radio Islam	Zakaat Islamic Foundation	Religious	Karonga, Mzuzu, Lilongwe, Dowa, Dedza, Blantyre, Zomba, Chiradzulu, Machnga, Mangochi, Mulanje, Phalombe, Thyolo, Mwanza, Neno,
Dzimwe Radio	Dzimwe Community	Community	Mangochi
Nkhotakota Radio	Nkhotakota Community	Community	Nkhotakota
Mudziwathu Radio	CRECCOM	Community	Mchinji
Television Luntha	Montfort Fathers	Religious	Balaka, Zomba
BBC	BBC	Relay	Blantyre, Lilongwe, Mzuzu
ABC Radio	African Bible College	Community	Lilongwe, Mzuzu
Mzimba Community	Mzimba Community	Community	Mzimba
Radio Maria	Association of Radio Maria Malawi	Religious	Rumphu, Mzuzu, Nkhatabay and all districts in the central and Southern Regions
Adventist Radio	Adventist Church of Malawi	Religious	Blantyre and surrounding districts

List of publications in Malawi

(Adapted from Media Council of Malawi membership list and individual Media houses)

PUBLICATION	PUBLISHER	CIRCULATION (Not audited figures)	DISTRIBUTION	FREQUENCY
Daly Times	Blantyre Newspapers Ltd	14, 000	National	Daily
Malawi News	Blantyre Newspapers Ltd	26, 000	National	Weekly
Sunday Times	Blantyre Newspapers Ltd	17,000	National	Weekly
The Nation	Nation Publications Ltd	15,000-20,000	National	Daily
Weekend Nation	Nation Publications Ltd	35,000-40,000	National	Weekly
Nation on Sunday	Nation Publications Ltd	12,000-15,000	National	Weekly

PUBLICATION	PUBLISHER	CIRCULATION (Not audited figures)	DISTRIBUTION	FREQUENCY
Guardian Newspaper	Guardian Publications	5,000	Selected Districts	Tri-Weekly
Boma Lathu	Information dept.	10,000	National	Monthly
Weekly News	Information dept.	5,000	National	Weekly
Financial Digest	Financial Digest Ltd	5,000	National	Weekly
Pride Magazine	Pride Publications	10,000-15,000	National	Bi-Monthly
Nkwaso Magazine	Montfort Press	3,000	Community	Bi-Weekly
The Lamp	Montfort Press	3,500	National	Bi-Monthly
Together Magazine	Montfort Press	5,000	National	Quarterly
Discourse Magazine	IBC Media	1,000	National	Bi-monthly
Insight Magazine	ULAMA Council of Malawi	2,000	National	Quarterly

4.0 MALAWI'S EXTERNAL MEDIA POLICY FRAMEWORK IN THE 2009 POLLS

4.1 Theoretical Background

To determine Malawi's democratic environment as it is related to the media and in particular its influence on the performance of the media during the 2009 PPE, we need a theoretical premise. In order to do that I have provided a general theoretical review of democratic tenets that enable the media to function effectively in a democracy. Following this is an analysis and examination of Malawi's media democratic milieu as experienced during the 2009 polls. Democracy is commonly associated with the liberal tradition (Rudock 1981 in Fourie 2001: 164). In this regard human beings in a democracy are considered to be free individuals with a right to self determination. This includes the people's freedom of speech. In the words of Roelofse in Fourie (1983: 4-5):

The whole point of democracy as an ideology is therefore to promote the social and political conditions where people can exercise their choice and become even freer... But democracy also implies that the individual has the duty to tolerate the views of others and that individuals and groups have the responsibility not to jeopardise each other's liberties.

This clearly shows that the fundamental values enshrined in a democracy are freedom, equality and order. McQuail (1983) demonstrates how these values can be transformed into media performance norms. Firstly, the media attain their freedom in democracy by largely exempting the media from censorship and legislation that disallows obtaining information. The media in democracies also perform the watchdog role, that is, to observe and criticise the actions of government. People also are allowed to operate a private media institution such as a newspaper, radio and television as a commercial entity. A

constitution that guarantees the freedom of the media in a country with a concomitant set of laws that provides access or freedom to information, a truly democratic and relevant communications act and absence of laws that impinge on the freedom of the media would therefore be an ideal example of a policy measure that articulates the fundamental values of freedom.

Secondly, equality broadly entails the levelling of the playing field in a democratic society. In this case, a media policy would result in mechanisms that ensure equal access to information. This applies to both users (consumers) and providers of information. Fourie (2001:165) hails the introduction of a public broadcasting system as one of the measures that a government could take to ensure such access to information. He also cites policy that promotes the diversity of opinion, viewpoints and information in democratic society as relevant in this regard. Perhaps a deliberate inclusion in the communications act or a special act that disallows monopolies and provision of subsidies to fledgling media houses, exempting them from tax would also be an ideal policy measure to ensure diversity and equality.

Thirdly, order helps actors in a democratic system to be responsible while exercising their rights. It is “the commitment to ensure that freedom in a democratic society is not exercised at the expense of other individuals, groups or society as a whole,” (Fourie 2001: 165). Provisions in the constitution that bar hate speech in the media and those intended to protect the privacy of individuals are good examples of media formulation policy that takes care of the democratic value of order.

4.2 Malawi’s Democratic Milieu and Media’s Performance in 2009 Polls

4.2.1 Constitutional Provisions and Statutes

In his background to a report on the review of Access to Information Bill and Laws that restrict media freedom in Malawi (October 2008), Kanyongolo observes that since 1994, the Constitution of Malawi has guaranteed a wide range of human rights and freedoms, including the right to freedom of expression, the right to freedom of the media and the right to access to information. At the same time, the government has adopted a wide range of policies which advocate for effective promotion of these rights. In spite of the comprehensive constitutional guarantees of rights related to press freedom and access to information, numerous statutes continue to be in force. These statutes do not only restrict access to information and media freedom unduly, but in some instances also confer on state authorities arbitrary powers to withhold information from the public or obstruct the media from performing their public role.

4.2.2 International Covenants, Charters and Protocols

Although media freedom is expressly guaranteed in Malawi as provided for in the Constitution, Malawi has not yet ratified or embodied in its legislation the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and People’s Rights (ACHPR) and other international human rights protocols, conventions and declarations to which she is party and guarantees the freedom of the media.

4.2.3 The Communications Act

Some of the challenges facing the media industry in Malawi today emanate from the inconsistencies in the Communications Act. For instance, the current Act gives a lot of political clout to the Minister of Information and in effect places public broadcasters (MBC and TVM) and Malawi Communications

Regulatory Authority (MACRA) under the executive arm of government. MACRA and MBC therefore are like siblings and thus the former fails to sanction regulatory laws on the former even in cases where the latter is in clear breach of the Communications Act. Public broadcasters take advantage of these flaws in the act rendering other institutions like Parliament to which they have to report unrecognisable. Consequently, broadcasters like MBC have been reduced to a privately owned institution run by a few individuals other than the public through Parliament.

MCM Round Table Discussions with Parliamentary Committee on Media and Communication (PCMC) and Ministry of Information and Civic Education, held on 20th August 2008, observed that it was imperative that the Act be reviewed to reflect the democratic dispensation we are in. Most importantly to ensure that state broadcasters truly reflect their mandate and the spirit of public broadcasting as a service to the nation and that all stakeholders' voices' are represented as democracy would demand. The meeting therefore resolved that urgent amendments to the Communications Act be done. The failure by government to repeal the laws that hitherto impinge on the freedom of the media and ratifying the international protocols in our laws means that law enforcers still use these statutes to arrest media practitioners who are deemed to have breached any one of these laws. Below are some typical cases:

4.2.3.1 The Arrest of Editor of Boma Lathu Newspaper, Gilbert Tembo

The Editor of *Boma Lathu*, a government Ministry of Information and Civic Education monthly vernacular newspaper, Mr. Gilbert Tembo was arrested on 20th May 2009 till 22nd May 2009 pending a court decision. In its story on the second page, *The Nation Newspaper* of May 25, 2009, reported that Tembo was found in possession of brochures with a biography of Malawi Congress Party President and Presidential candidate, Mr. John Zenasi Ungapake Tembo which described the MCP president as a president of the country. The paper quoted police sources who said the arrested Tembo would be charged with 'being found with seditious publication'. The story adds that the police conducted a search at the editor's house in Ndirande Township and confiscated the alleged brochures. According to the newspaper, the offence is contrary to Section 51 of the Penal Code and attracts a penalty of 2,000 British Pound sterling (about K500, 000). However, the suspect did not have a right of reply in the same newspaper.

According to MCM investigations Mr. Tembo allegedly got instructions to print Tembo's biography from authorities in government. The decision to have the biography prepared was allegedly made at a meeting by the National Presidential Inauguration and Swearing in Ceremony Organising Committee for the 2009 PPE. According to some members who attended this meeting, the committee noted that it was prudent to prepare two biographies of the two front runners in the elections since it was not obvious who was going to win the elections.

4.2.3.2 Closure of Joy Radio and Arrest of its staff

Joy radio was closed twice this year. The first time was on 16th October 2008 when Malawi Communications Regulatory Authority (MACRA) revoked its licence. Media Council of Malawi's investigations substantiated by letters submitted to the Council by both MACRA and Joy Radio show that, Joy Radio's broadcasting licence was revoked on three grounds that the radio was owned by a politician, former State President and Chairperson of the United Democratic Party (UDF), Dr Bakili Muluzi; the private radio changed ownership without informing the regulatory body and that the

station's failure to provide the regulatory body with broadcasting material. Later, in December 2008, MACRA withdrew the first ground. After 26 days of being off air, Joy Radio went back on air after a supreme court of appeal ruling granted the radio station a stay order on an earlier verdict by the High Court which lifted an injunction Joy obtained on MACRA's decision to revoke the station's licence.

The second time was on 20th May 2009 soon after the official elections campaign period had expired. In addition to MCM's investigations, both *The Nation* and *The Daily Times* reported on the closure and arrest of staff members of this privately owned radio station. The papers cited alleged broadcasting of campaign materials after the campaign period for the 2009 PPE had been officially closed. The papers quoted police sources confirming the arrest at dawn. The program reportedly broadcasted beyond official campaign period is *Chilungamo Chiri Kuti?* (Where is Justice?) a programme, which Joy Radio stopped broadcasting on 15th September 2008 in response to public complaints through Media Council of Malawi and the Council's mediation efforts. The arrested workers are the technician, Mr. Abdul-Razzak Telera, and presenters Aubrey Nazombe and Mary Chande Mhone. They were said to be on duty when the program in question went on air.

According to MCM Joy Radio has been in perpetual breach of the MCM's Media Code of Ethics and the Malawi Media Code of Conduct for the 2009 PPE. Joy Radio's alleged breach of electoral laws was a great concern to the Council. However, the Council expressed disagreement with government's switching off of Joy Radio viewing it as disregard of democratic values. The closure of Joy Radio may be viewed in the light of the following arguments:

- a) It is not consistent with fundamental democratic values of freedom, equality and order. These values firstly, entail among other things freedom of the media (absence of laws that impinge on the freedom of the media); Secondly, equality is at stake since it demonstrates lack of levelling of the playing field for all media houses and users of media products since public broadcasters have also been reported to be in alleged breach of the Communications Act and Electoral Laws. By discontinuing two of its unethical programmes (*Chilungamo chilli kuti* and *Nkhanganga Zaona*) in response to public concerns through Media Council of Malawi on 15th September 2008, Joy Radio demonstrated that given a level playing field it can transform into a professional radio station.
- b) The nature of programming at Malawi Broadcasting Corporation (MBC) and Joy Radio Station was a reflection of deep seated political conflict that gripped the country over the past five years. The propaganda that was being churned at MBC and Joy radio was a manifestation of the political conflict that was going on between The State President, His Excellency, Ngwazi Dr. Bingu wa Mutharika and his Democratic Peoples' Party (DPP) and Dr Bakili Muluzi and his United Democratic Front (UDF). This state of affairs intensified during the campaign period particularly towards the end. Now that the elections are over and that the Malawian people have very clearly spoken of their preferred choice of the country's President and Parliamentary representatives Joy Radio will have no basis to continue breaching the Media Code of Ethics and its alleged conduct of violating laws.
- c) Thirdly, it is worthwhile to note that since the liberalisation of the media in Malawi in 1994, media audiences have become segmented. There is no longer one Malawian audience for one radio. There are various audience niches for the over 20 different radio stations we have now in Malawi. A particular audience enjoys listening to a particular radio station. Closure of Joy Radio may mean denying a certain section of the Malawian society their freedom of choice and right to access to information.

- d) Above all, it is feared that the continued switching off of Joy Radio may set precedence for continued arbitrary closures of more radios. It is in this spirit of democracy that we appeal for the reopening of Joy Radio and urge the radio to responsibly exercise its right to freedom of expression by protecting the rights of others.

4.3 Codes of Conduct: Expectations and Functions

Fourie (2001: 165) points out that democratic values do not only lead to formulation of specific policy such as legal restrictions on the media as discussed above but also leads to citizens having certain expectations regarding the media's role in society. These expectations too could lead to formulation of implicit policy. Media Codes of conduct, accreditation schemes are examples of implicit policies that are aimed at guiding the media to live up to society's expectations. The development of these codes of conduct demonstrates that the media are able to perform their functions responsibly and accountably, thus being able to self-regulate themselves.

4.3.1 Defining Media Self- Regulation

Media self-regulation is a joint effort by media professionals in the media industry to set professional standards, a code of ethics and editorial guidelines and abide by them in a learning process open to the public. By doing so, the independent media accept their share of responsibility and accountability for the quality of media products and public discourse in Malawi, while fully preserving their editorial autonomy. This has become an increasingly preferred approach to media regulation globally since external regulation tend to threaten media freedom.

4.3.1.1 Media Council of Malawi and Self Regulation

Media Self-Regulation lies at the heart of MCM's mandate to defend and support media freedom in the country. MCM supports journalists who wish to unite in their efforts to raise professional standards and thus strengthen the social standing of journalism. The co-operation between journalists in the field of ethics is also a great training ground for their co-operation in demanding their legitimate rights from the government. Self-regulation and the promotion of quality journalism are among important safeguards of media freedom and even of media power. One of MCM's mandates therefore is to update, maintain and promote the Code of Ethics and professional standards for media practitioners, journalists and media organizations; assist in ensuring that all media stakeholders adhere to the highest possible standards by strict compliance with the Code of Ethics. To fulfill this obligation MCM revised its code of ethics in 2008 through a consultative process with all media stakeholders. The code of ethics which was first published in 1994 was developed and agreed upon by all media houses. In addition to its general application, the code of ethics was also meant to help provide editorial guidelines to media practitioners in the country during the electoral period.

Unlike in the previous elections in 1994, 1999 and 2004, where roles of MACRA and MEC were not clear in the arbitration of cases between the media and political candidates, parties and other news sources in the electoral process, the coming in of MCM in the media landscape "rekindled ambers of hope in terms of professionalism and neutrality of the media". A close working collaboration between MEC, MCM and MACRA therefore became critical in the enforcement of the electoral code of ethics.

The Electoral Commission organised a workshop in Mangochi at Sun and Sand Holiday Resort on 25th to 26th April 2008 for Media executives, senior representatives of all political parties and the Media Council

of Malawi to develop the Malawi Media Code of Conduct for 2009 Presidential and Parliamentary Elections. This was very good care taken in plenty of good time – more than 12 months to the elections. After the self regulating guidelines had been developed all senior delegates representing the country's major electronic and print media houses discussed, drafted and unanimously approved a Media Code of Conduct intended to set the highest professional and democratic standards for all of the media's political coverage of the period leading up to the 2009 Parliamentary and Presidential Elections. In the spirit of openness and consensus that is typical of media self regulation, the observers from political parties and civil society in attendance offered their suggestions and participated in the detailed discussions and finally registered their approval of the code resulting in the *Malawi Media Code of Conduct for the 2009 Parliamentary and Presidential Elections*.

The Code was taken to a ceremony at which directors of both private and public media houses formally appended their signatures witnessed by all political parties with Media Council of Malawi as a guarantor. According to the code's preamble (2008:1), the Code applies to all media houses in Malawi. Some guidelines in the code are obligations required of Public Service Broadcasters (PSB) under the Parliamentary and Presidential Elections Act (1993), the Local Government Act (1996) and the Communications Act (1998). The purpose of the code was:

...to ensure that full fair and balanced political coverage is given at all times in news and other media output most especially that relating to the campaign of all registered candidates and parties; ...to remind the media of the duty to provide the public with the necessary programme of voter education concerning every relevant aspect of the electoral process including information on every citizen's electoral rights (Malawi Media Code of Conduct 2008, p. 2).

The Code of Conduct provided guidelines along the following areas which became the benchmarks for assessing media houses compliance with the code:

- 1 Duty of balance and impartiality
- 2 Voter education and Information
- 3 Time vouchers (the allocation of free air time)
- 4 Professional practices
- 5 Replies, corrections and retractions
- 6 Complaints procedure
- 7 A President as Head of State and Presidential Candidate
- 8 Opinion polls
- 9 Self – monitoring of elections coverage
- 10 Result of non compliance

4.3.2 Media Performance Ratings Using Self Regulatory Tools: the Malawi Code of Ethics

4.5.3.1 The African Media Barometer Assessment

Generally, according to African Media Barometer Malawi 2008, Sector 4:1, a study done in October, the rating of the media in following voluntary codes of professional standards which are enforced by self regulatory bodies is very high.

4.1 The media follow voluntary codes of professional standards which are enforced by self-regulatory bodies

ANALYSIS:

The Malawi media has several journalistic codes. These include the Malawi Media Council Code of Ethics and Professional Conduct 1995, revised 1999; the Third Schedule of the Communications Act 1998; the Malawi Electoral Commission Code for Media in Elections Coverage and the draft Broadcasting Policy.

SCORES:

Individual scores: 5, 4, 4, 3, 4, 5, 5, 5,

Average score: 4.2 (2006 = 3.0)

4.5.3.1 The Electoral Commission Independent Monitoring Unit Report 7

According to Tim Neale, Commonwealth Media Advisor to the Electoral Commission, commenting on the performance of the media in the final summarised report Number 7 of the EC Independent Media Monitoring Unit (MMU) some of the media in Malawi put on the best show of democratic journalism unequalled in the past fifteen multi-party years of the country's history. Some have matched the worst – not comparable to any poor performance in the past elections. The unit used the Malawi Media Code of Conduct as an assessment. According to Neale, the main daily newspapers, published by Blantyre Newspapers Limited (BNL) and Nation Publications Limited (NPL) continued to extend their maturity and, albeit with differing styles, gave the whole range of parties and candidates a chance to present themselves to the people. They, quite properly, challenged and criticised but gave every opportunity for the challenged and criticised to reply. The EC MMU put broadcasters into three categories.

Those not involved in covering the Elections

These largely avoided getting involved in covering the elections - possibly for lack of skills or fear of upsetting advertisers or, in the case of the faith - based stations, avoided risking the charge of interfering in the electoral process.

Worst Performers – Unmatched in the past three Elections

A second very significant group (noted in every report by the EC Independent MMU, the media monitors of the Malawi Communications Regulatory Authority (MACRA) and the Media Council of Malawi (MCM)), consists of the public service radio and TV, and a private radio station that is linked to one particular party. The management of these broadcasting houses have chose to operate on the assumption that ownership or control of the airwaves gives them the right to use the resources virtually exclusively for the benefit of one or other political party. The public media claim that they are there to serve the executive arm of Government. According to Neale (EC), this concept is contrary to all

accepted international democratic norms in which the national broadcasters are held in trust for the benefit of all the people.

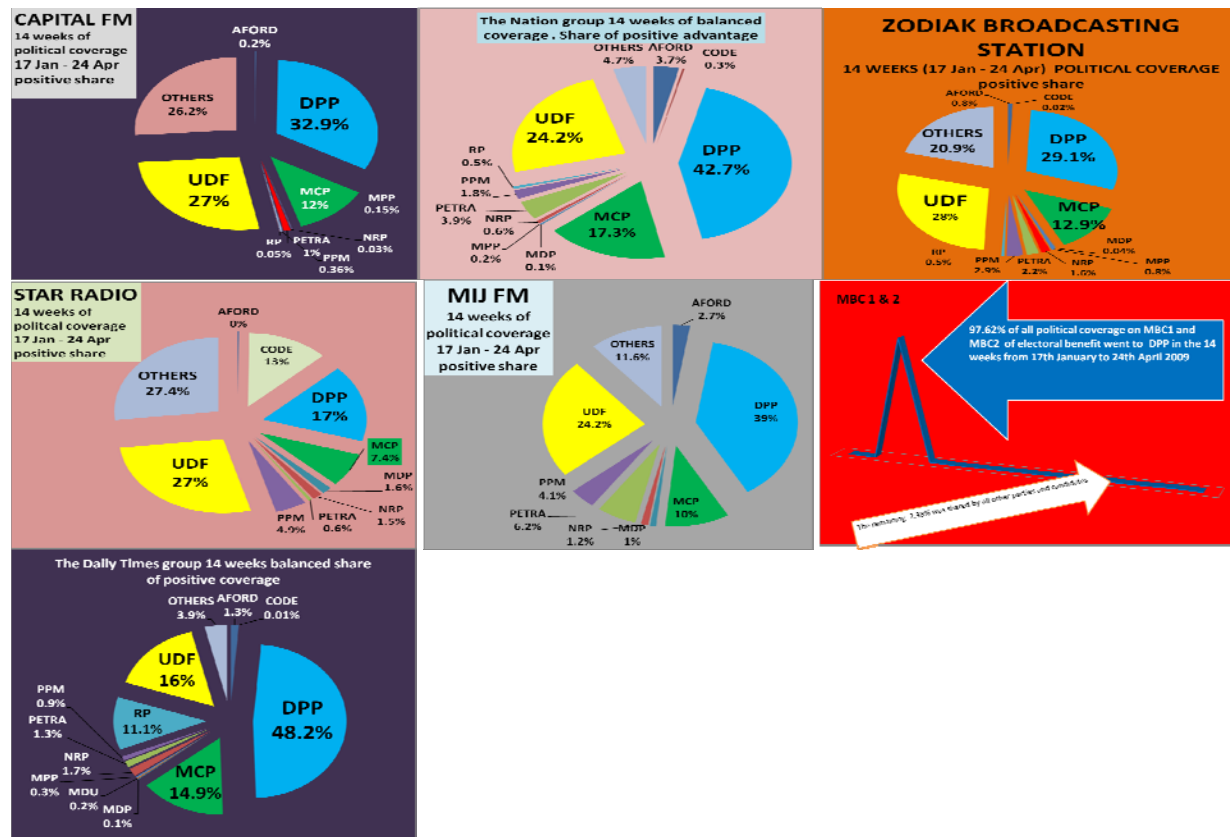
Star Performers – Unmatched in the past three Elections

The third group of broadcasters that has performed, overall, in a highly praiseworthy way is made up of the radio stations high-lighted in the EC 7th Report, namely Zodiak Broadcasting Station (ZBS), Capital FM, Star Radio and MIJ FM. “These stations, together with *the Nation* and the *Daily Times* and their associated newspapers, can claim to have served the nation well” (Neale 2009). Every media house anywhere in the world can be criticised at times but these journalists and their editors and management can be proud to have lived up to the principles of balanced, fair journalism as set out in the Malawi Media Code of Conduct that they developed and signed to commit themselves.

The categorisation above show a polarisation of results in the performance of the media: on one extreme we have the worst performers while on the other extreme we have the best performers. According to EC, resolving the problem of other media houses, with well-trained professional journalists, who find themselves unable to live up to their professional ethics, remains, yet again, an issue of great significance for the progress of democracy in this country.

The Malawi Electoral Commission Independent Media Monitoring Unit

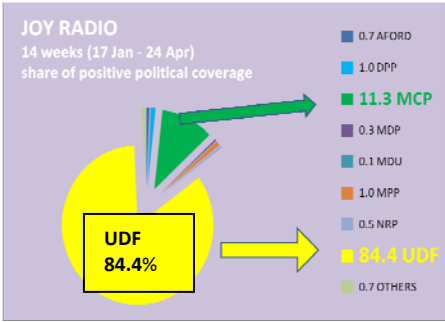
Totals for the 14 week period 17 January – 24th April 2009



TVM TOTALS for 14 WEEKS POLITICAL COVERAGE
 17th Jan - 24th Apr 2009
SHARE OF REPORTING OF POSITIVE ELECTORAL ADVANTAGE

POSITIVE ONLY TABLE IN MINUTES

% Party	All Programs	N
0 AFORD	0.0	0.0
0 CODE	0.0	0.0
98.4 DPP	5334.5	1022.0
0.4 MCP	23.1	2.8
0.0 MDP	0.0	0.0
0.0 MDU	0.0	0.0
0.0 MPP	0.0	0.0
0.0 NRP	0.3	0.3
0.0 PETRA	0.0	0.0
0.4 PPM	22.0	1.8
0.0 RP	0.0	0.0
0.5 UDF	25.0	4.7
0.3 OTHERS	16.2	1.2



NOTE:

MBC RADIO 1 & 2

The two state broadcasters gave 97.62% of all their political coverage to DPP in the 14 weeks from 17 January to 24th April 2009. All other parties and candidates shared the remaining 2.38%.

TVM

Malawi Television (TVM) gave 98.4% of all its electoral positive news to DPP and 1.6% was shared among other political parties and their candidates.

JOY RADIO

Joy Radio had 84.4% of its electoral positive news coverage to UDF and 15.6% was shared by other political parties and their candidates.

4.5.3.1 Media Council of Malawi Media Monitoring Report

MCM media monitoring programme was set to help in the monitoring of the professional standards and ethical conduct of media houses and individual journalists as an integral part of its mandate to “assist in ensuring that proprietors, publishers, journalists, broadcasters and other media stake holders adhere to the highest possible standards by strict compliance with the Code of Ethics”, (MCM Constitution Act 3, 2007). From January 2009 to May 2009 special assessment of the performance of the media in the run up to the 2009 PPE was carried out but as part of the usual media monitoring on compliance with the MCM Code of Ethics and EC Media Code of Conduct.

MCM, in a media statement, paid special tribute and recognition to Zodiac Broadcasting Station (ZBS), Capital FM, Star FM and MIJ FM, Transworld Radio, Power 101, Nation Publications Limited Newspapers

(NPL) and Blantyre Newspapers Limited (BNL) for an outstanding performance. With evidence from the Malawi Electoral Commission (MEC's) Independent Media Monitoring Unit, Malawi Communications Regulatory Authority (MACRA's) Broadcasting Monitoring Unit and MCM's Media Monitoring Reports, the eight private radio stations, for the past months have managed, with consistence, to present to their listeners balanced political and electoral coverage. "It is on this ground that MCM has recognised and congratulates them for the equitable reporting on electoral and political news stories" said the statement. MCM also recognised the professional work that print media houses: *Nation Publications Limited* (NPL) and *Blantyre Newspapers Limited* (BNL) had done in covering election news professionally. These two groups of newspapers demonstrated a fair distribution of their political coverage for all the major and minor political parties. Of specific significance were the series of *Know Your Presidential Candidate* articles in the *Weekend Nation*.

MCM noticed with appreciation that ethical and professional news coverage does not necessarily need a particular media house to have all the resources at their disposal as **Radio Islam, MIJ FM, Radio Maria, Star Radio, Power 101 and Trans World Radio (TWR)** had demonstrated. While commending other media houses, MCM also noted with regret that the reporting trends in the media had also changed with some political parties consistently enjoying the lion's share of positive political news coverage while others were having inadequate, negative or outright blackout on news coverage. This, the council said was vividly clear with Malawi Broadcasting Corporation (MBC), Malawi Television Limited (TVM) and private Joy Radio to the extent that these radio stations had become mere tools of party propaganda.

4.3.3 Challenges in Media Monitoring Projects

Lack of resources and media monitoring equipment restricted MCM to carry out a systematic assessment of the performance of the media during the electoral period as part of the broader research on compliance with the Media Code of Ethics and the Malawi Code of Conduct for 2009 PPE. The current media monitoring mechanism for EC, MACRA and EU are restricted to only positive and negative political news coverage. A comprehensive systematic assessment of media performance during elections is preferable. Such a study like the one reflected in the Media Score Card Report for the coverage of the Kenyan Referendum Campaigns in 2005, published by Friedrich Ebert Stiftung (FES) would focus on:

- Perceptions about journalistic freedom
- Perception on editorial slanting
- Perception on censorship
- Perception on media independence
- Perception on media objectivity
- Open access to the media (media techniques, media contacts for politicians, rating of media access, nature of access and rating ease of media access
- Level of media accuracy, media fairness, media balance, media slanting, diversity of political opinion, newspaper tone, attitude of pictures and graphics and
- Headline accuracy

Few of these aspects of the media ratings are implicitly covered in the current media monitoring mechanism of positive and negative political news coverage while the majority are left out. Nevertheless, the current approach still gives us reliable means to answer the question: "Is every media

house giving political parties a fair chance to address the electorate? That is, in every bulletin, every rally, every commentary, every debate, every press conference etc.

4.4 Policy makers Influence: The Role of Parliament (2004 to 2009)

The Malawian Parliament of 2004 to 2009 played a very critical role in shaping the media landscape particularly the manner in which they dealt with issues relating to public broadcasters: MBC and TVM. The Human Rights Consultative Committee (HRCC) report on the performance of Parliament from 2004 to 2009 rated the performance of Parliamentary Committee on Media and Communications (PCMC) as poor, scoring 2 on a rating score of 5 (HRCC 2008 Report on Malawi Parliament and Parliamentary Committees: An Assessment of Performance from 200 – 2009).

Parliament during this period denied MBC and TVM funding, giving them only 50% in 2006, a nominal MK1.00 and MK2.00 in 2007 and 2008 respectively. Parliament cited the two public broadcasters' bias in covering the opposition – portraying them negatively to the electorate and the public in favour of the government and the ruling DPP. In 2008 they added another reason that the Minister of Information and Civic Education, Hon. Patricia Kaliati, board and management of MBC and TVM incessantly refused to comply with Parliamentary standing orders which require them to appear before Parliament when summoned. However, the civil society and media advocacy bodies like the Media Institute of Southern Africa (MISA) Malawi condemned Parliament's decision and advised it would not be effective as a corrective measure to change the public broadcasters' performance. This as has been noted throughout the period leading to 2009 PPE, did not work and only reinforced the public broadcasters negative portrayal of the opposition. Government resorted to other means of funding MBC and TVM including commercial borrowings (MCM Report on Meeting with PCMC and Min of Finance 2008). However, since this was not a normal way of funding, the operations of the two broadcasters were affected and MBC once decided to go commercial, a principal against its own statutory basis of existence.

But as (Snymn 1985:5) puts it “the most decisive source of policy formulation at national level is the state”. In the Malawian scenario it is the executive branch of government and Parliament. However, Parliament once again failed to demonstrate its willingness to change policies that prevent the media from performing their roles effectively particularly the public broadcasters. The opposition members of Parliament who were in majority failed to influence appropriate amendments to the Communications Act of 1998 which is seen as the cause of the perceived poor performance of public broadcasters. In spite of their crying fowl over MBC's and TVM's manner of broadcasting which subjected them to public ridicule through satirical and comical programmes like *makiyolobasi*. They remained quiet even when one of their own, the chairperson of Parliamentary Committee on Media and Communication, Hon. Belson Lijenda made calls challenging them to champion reform of the public broadcasting policy.

Political parties too as government in waiting can formulate their media and communication policies which can become the official policy included in legislation when they come to power. Such policies can provide the media with rights that can enable them to fulfill their roles or restrict them in the performance of their roles. However, none of the parties, except the UDF included in their manifestos any policy guidelines on media and communication. This is a serious oversight that suggests lack of interest and commitment on development of the media industry in Malawi and the much desired reform in the external media policy framework especially when you consider issues such as the long awaited Access to Information Bill and amendments to the Communications Act.

4.5 The Role of Government as Regulator

The nature of the relationship between a national government and the media is decisive for what the media are allowed to publish. The main reason for this is that the media are legally, normatively and structurally subject to the control of political institutions (Gerbner 1977:263). Gallagher states that the key relationship that links the media to society is that between the media organizations and the government of a country (Gurevitch, Bennett, Curran and Woolacott 1985:160). Holmes (1986:1) adds that the media of a nation, more than any other kind of institution, are shaped by the prevailing type of political power. But, what does this mean in practice? According to Fourie (2001: 166), governments control the media through legislation (legally). In addition, they also have specific expectations about how the media should fulfill their role in society. These expectations are in essence normative pointers that governments provide to the media and could, of themselves, become forms of intrinsic regulation.

4.5.1 Communications Act and Parliamentary and Presidential Elections Act (PPEA)

The conduct of the media and particularly broadcasters during elections in Malawi is regulated by the Communications Act (1998); the PPEA, 1993); and the Local Government Elections Act (1996). These provide the external policy framework for the media in the electoral process. Section 58 of the PPEA provides framework for political equality in the electoral process. The section states:

“Every public officer and public entity or authority shall give and be given and be seen to give equal treatment to all political parties to enable each political party to conduct its campaign freely”

Furthermore Section 63 (1) states that:

“Every political party shall have the right to have the substance of its campaign propaganda reported on radio news broadcasts of the Malawi Broadcasting Corporation and in any newspaper in circulation in Malawi”

According to constitutional provisions for the media in Malawi, it is possible to hold democratic, free and fair elections in Malawi as long as the media attains completely the freedom to carry out their watchdog role. For example, Section 36 and 37 of the Malawi Constitution guarantee free press and that the press should be accorded full access to public information. Section 63(1a) of the PPEA says specifically of the MBC that it “shall maintain neutrality in the manner of reporting news of the campaign propaganda of political parties,” On reporting matters relating to elections, the Malawi Communication Act 1998, Section 45(f) The Communication Act 1998 asks broadcasters to “ensure equitable treatment of political parties and election candidates...,” repeated in Section 51(3a) where it asks for “balance and equitable reporting during any election period.”

However, Section 37 of the Constitution partly impedes media access to public information since every piece of information becomes subject to some authority before it flows out. On the same, Malawi Communication Act empowers the ministry of information to control what goes on air in the public broadcaster; as a result, the ministry manipulates and compromises the journalism profession since the respective media houses work on instructions and not based on their professionalism.

4.5.2 The Role of Media Council of Malawi (MCM) and Civil Society Organisations

Major political parties like the United Democratic Front (UDF) and Democratic Progressive Party (DPP) started putting their campaign and propaganda strategies in preparation for the 2009 PPE as early as

August 2008. Signs that the propaganda machinery had begun grinding and rolling were observed through the propaganda programmes that the two state controlled broadcasters, Malawi Broadcasting Corporation (MBC) and Malawi Television Limited (TVM) started broadcasting such as *ECONO Plus*, *Kuganizira Dziko Lathu* (TVM), *Mizwanyana* and *Makiyolobasi* (MBC) on one hand and the programmes the UDF sympathizer, Joy Radio FM was also airing, *Nkhanga Zawona*, *Chilungamo Chiri Kuti* and *Kalibu* on the other hand. These programmes launched implicit as well as explicit scathing attacks on political opponents using inflammatory language that started building up tension as we approached the 2009 PPE. These programmes became a cause for great concern among civil society organizations, the public in Malawi and the Electoral Commission. Political Parties lodged complaints (on the programmes particularly those aired on MBC like *makiyolobasi*) with the Electoral Commission which once warned MBC in a letter.

Several Civil Society Organizations like MISA Malawi, the Human Rights Commission, Centre for Human Rights Rehabilitation (CHRR), Human Rights Consultative Committee (HRCC) and religious bodies like the Episcopal Conference of Malawi and others, the Electoral Commission (EC), issued statements against these propaganda and satirical programmes at MBC, TVM and Joy Radio condemning them and advising them to stop airing the programmes. However, the situation only worsened with more ingenuity and adeptness being employed in the programmes as the three radio stations increasingly popularised the programmes. MCM being a self – regulatory body for the media was urged to find ways of resolving the issues raised by the stakeholders. Apart from the concerns raised by the civil society, MCM also received complaints from the general public over the conduct of MBC, TVM and Joy Radio regarding these programmes. Individual members of the public and some civil society organisation lamented over the use of inflammatory language in the programmes of these radio stations. In addition, the Minister of Information and Civic Education, Honourable Patricia Kaliati, in the company of DPP's Publicity Secretary, Honourable Nicholas Dausi, held a media conference at Central Office of Information (COI) in Lilongwe alleging that she had a list of journalists working for different media houses but on opposition party's pay roll who had been hired to write negative stories about the DPP led government.

Following these reports, MCM instituted investigations into the allegations against journalists, Joy radio station and the state broadcasters in June 2008. Since then MCM's Ethics Complaints and Disciplinary Committee under the leadership of former Chief Justice Hon. Leonard Unyolo, held a series of round table discussions and mediatory talks with various stakeholders including MACRA, TVM, Joy Radio, (MBC sent an apology) in July 2008. These series of mediatory talks culminated into a round table discussion with Parliamentary Committee on Media and Communications (PCMC) and the Ministry of Information and Civic Education on Wednesday, 20th August 2008 at Sunbird Capital Hotel in Lilongwe. It was at this meeting that the government through the Principal Secretary in the Ministry of Information and Civic Education announced the banning of *Makiyolobasi* and other unethical programmes on MBC. TVM had already discontinued *ECONO Plus* and other similar programmes. In their letter to Media Council of Malawi dated 15th September 2008 signed by its board chairperson, Joy Radio informed the council and announced that they had stopped broadcasting *Chilungamo chiri kuti* and *Nkhanga Zaona*. MBC later reintroduced *Makiyolobasi* but in a modified version where even members of the DPP and government also became subjects of political satire. Nevertheless, it remained slanted as an elections propaganda campaign tool, picking on DPP's political opponents as victims of public ridicule on the airwaves.

4.5.3 Elections and Administration: The Role of Electoral Commission (EC) and Malawi Communications Regulatory Authority (MACRA)

The Electoral Commission initiated a number of collaborations and coordinated approach in its administration and management of the 2009 PPE. For example, the EC partnered with the Media Council of Malawi in managing the media component of the electoral process. MCM participated in the development and signing of the Malawi Media Code of Conduct and the training of EC stringers who were allocated to all districts in the country to cover the elections. The performance of EC stringers and media houses in covering the elections was relatively better than in the previous elections with many of the stringers stories used in various media outlets. MCM through its monitoring team registered 187 stories from EC stringers covered in *The Nation*, *Weekend Nation*, *The Daily Times* and *Malawi News*. Out of them, only two stories appeared on the front page of *The Daily Times*: ‘*Coupon system failed-Chimango*’ (*Daily Times*, April 16, 2009) and ‘*Ballots mix-up in Lilongwe*’ (*Daily Times*, May 18, 2009). This is probably because ethical and professional conduct during the training of stringers in the 2009 Polls was greatly emphasized by MCM and making a commitment to seriously monitor the performance of the stringers. As already pointed out, most private media houses also gave a balanced coverage of the electoral process. In addition since MCM through its Ethics, Complaints and Disciplinary Committee (ECDC) maintained its surveillance role of conducting investigations on all matters related to violation of the media Code of Ethics whether there was a complaint or not.

The media industry in Malawi also gave the mandate to receive and arbitrate on cases involving political parties and the media houses to EC, MACRA and MCM as provided for in Section 6 (c) of the Malawi Media Code of Conduct which states:

In the event of unresolved dispute over a complaint of unfair media coverage of the elections, the aggrieved party may take the issue further with, Media Council, MEC, MACRA and finally the Courts.

Unlike in 2004 PPE, the roles and procedures of carrying out their roles were defined in the Malawi Media Code of Conduct for 2009 PPE. However, there was no coordination of concerted efforts in addressing concerns of aggrieved parties during the elections period. MACRA and EC each had its own media monitoring unit. However, there was a gap in addressing lack of compliance with the Malawi Media Code of Ethics and breach of electoral laws. For example, the Parliamentary and Presidential Elections Act Section 63 (1a, b, c, d & 2) says specifically of MBC and EC:

Every political party shall have the right to have the substance of its campaign propaganda reported on radio news broadcasts of the Malawi Broadcasting Corporation and in any newspapers in circulation in Malawi:

Provided that in the case of news broadcasts by the Malawi Broadcasting Corporation –

- a) The content of the news shall be professionally determined by the Malawi Broadcasting Corporation;*
- b) The Malawi Broadcasting Corporation shall maintain neutrality in the manner of reporting the news of the campaign propaganda of political parties and generally in its commentaries;*

- c) *The commission shall monitor such news broadcasts and shall ensure equal news coverage of the campaigning by all political parties;*
- d) *No political party or candidate shall be entitled to make commercial advertisement for its campaign.*

The Commission may, by arrangements with the Malawi Broadcasting Corporation, allocate time on the radio during which political parties may be allowed to speak in campaigning for an election and the commission shall allocate equal time to every party.

In the Third Schedule: Section 52, 3 (1 and 2), Code of Conduct for Broadcasting Services, the Communications Act provides:

Broadcasting licensees shall report news truthfully, accurately and objectively.

News shall be presented in an appropriate context and in a balanced manner without intentional or negligent departure from the facts.

These two organizations have according to Communications Act, an outline of their responsibilities regarding biased reporting in the media. However, neither body took action to address the biased coverage by the state controlled media. In fact, as can be seen from MACRA’s own media monitoring results, the regulator failed to discipline MBC and TVM under its very nose. Tim Neale makes a very precise and fascinating observation on the reasons why the public broadcasters performed in this way:

The largest actors involved are of course the public service broadcasters MBC and TVM. They are not entirely to blame as they are not acting on the basis of instructions from the Directors General or the Boards of Governors but on the instructions of the Ministry of Information and Civic Education. That Ministry makes no secret of the fact that there was no intention to allow opposition parties or independent candidates to have anything more than a miniscule proportion on the airtime given to the coverage of political affairs at any time. This applied also to the Official Campaign Period when the massive distortion of any kind of balance got steadily worse. The arguments given by the management were frail in the extreme. “The opposition denied us our annual subvention”; “We don’t have enough equipment to cover other parties”; “The other parties don’t come to us with their information”. “It is all MEC’s fault”.

4.5.3.1 MACRA Broadcasting Monitoring Unit Results

Average distribution of election positive news coverage from all media houses from 31st December, 2008 to 23rd February, 2009

Media House	Political Party	% share of positive news	Others in %
ZBS	DPP	59.6	27.4
	UDF	4.5	

	MCP	8.5	
CAPITAL FM	DPP	22.3	12.2
	UDF	48.7	
	MCP	16.8	
MIJ FM	DPP	35.3	30.2
	UDF	33	
	MCP	1.5	
STAR RADIO	UDF	23.8	52.1
	DPP	15.1	
	MCP	9	
POWER 101	DPP	6.7	73.1
	UDF	19.2	
	MCP	1	
RADIO ISLAM	DPP	13.8	41.2
	UDF	36.5	
	MCP	8.5	

NOTE:

- MBC gave an average 81.1% of all their political coverage to DPP in the eight weeks from 31st December, 2008 to 23rd February, 2009. All other parties and candidates shared the remaining 18.9%.
- Malawi Television (TVM) gave 71.1% of all its electoral positive news to DPP and 28.9% was shared among other political parties and their candidates.
- On the other hand, Joy Radio had 78% of its electoral positive news coverage to UDF and 12% was shared by other political parties and their candidates.

The EC and MACRA nevertheless acted on Joy Radio at the very end of the electoral campaign for broadcasting campaign material after the official campaign period had been closed. The police allegedly acting on instructions from MACRA following EC's complaint to the former ordered the closure of Joy Radio and arrested three of its members of staff. Having not acted on MBC's and TVM's blatant violation of electoral guidelines as provided for in the laws and media code of conduct this may be perceived as discrimination and selectivity in applying penalties on media houses in the country during elections.

The EC also collaborated with the media by appointed a Civic and Voter Education Task Force comprising which largely consistent of media institutions. The members of the task force included: Mrs. Chimwemwe Banda – TVM, Mr. Matthias Manyeka (Zodiak Broadcasting Station), Mr. Geoffrey Kazembe (MBC), Mr. Blessing Chinsinga (Chancellor College), Mr. Bob Chilemba (Ministry of Information and Civic Education), Mr. Baldwin Chiyamwaka (Media Council of Malawi) and Mr. John Chipeta (consultant). However, the task force met only once on 23rd December 2009 for orientation and planning. Afterwards it never met again nor did it execute any duties assigned to it.

But most importantly for the first time, in response to MCM's call, the EC organized a training workshop for community radios on how to manage and cover electoral issues within their areas of jurisdiction. The workshop took place on Monday 15th December 2008 at DOVIC Hotel in Blantyre. The appeal to EC followed a meeting MCM had with Nkhotakota Radio Station Board Chairperson, Mr. Blessings Nkolora and others in November 2008 on misunderstanding that occurred after the station had broadcasted an interview with one of the parliamentary candidates whose content was deemed campaign material by the station's board, listeners and other election stakeholders in the 2009 PPE.

5.0 MEDIA CONTENT IN THE 2009 POLLS

This part of the paper analyses the content that the media carried during the 2009 Presidential and Parliamentary Elections period. While the assessment of media performance was largely based on ethical conduct as provided for in the electoral laws and the Malawi Media Code of Conduct which provides guidelines in various areas of ethical conduct, the assessment of media output or content was based on analysing a number of thematic areas.

The assessment looks at some of the texts not as individual pieces of information for analysis but as messages experienced by listeners; viewers and readers (i.e. watched, read and listened to by audiences – the electorate). The content elements therefore will include topics, themes, values, ideologies, settings and characters found in the different texts that the media communicated during both the official and unofficial campaign period from September 2008 to June 2009. According to Fourie Volume 2 (2001:5) viewing media texts in terms of their content is understandably a popular approach to text analysis which religious leaders, politicians and media critics, who address issues such as violence, bias or propaganda, as well as the manifest and latent content of news, use. This approach is advantageous because among other reasons: the content is manifestly accessible; content that deals with themes and behaviours is not limited to a particular communication medium. However, by concentrating only on the content of messages we overlook the relevance of the encoding characteristics of different media which contribute to the construction of texts and meaning. Perhaps as Fourie suggest, the broad question that we could be contemplating in this discussion that could also form a basis for research is "What is the manifest (or covert) message and what is the latent (or covert) message being communicated?" (Fourie Volume 2 2001:5). Let us look at each thematic area of content one by one.

5.1 Narrative Summary of Media coverage of Political Party Campaign

The media covered the electoral campaign extensively in both electronic and print media, with private newspapers and radio stations showing a variety of political tendencies. However, despite provisions in the Presidential and Parliamentary Elections Act, the Communications Act and the Malawi Media Code of Conduct requiring neutrality, balance and equitable reporting by the media during an election period, the state controlled electronic media showed substantial bias in favour of DPP and its presidential candidate as already pointed out. Both EC and MACRA media monitoring reports show that between March 2009 and May 2009, MBC and TVM reported an average of 98% of its positive election news to the ruling party DPP. In the same period, Joy Radio station reported an average of 95% of its positive election news to UDF. On both of the two public broadcasters the tone of coverage of opposition political party events was increasingly negative while that of Joy radio indicated a strong bias of negative coverage towards the DPP.

In contrast, Zodiak and Capital FM as monitored at its prime news hour provided impartial and balanced coverage of the political parties contesting in the 2009 elections. The opposition political parties had a chance to pass on their political promises. The two electronic media houses became outstanding and won public trust that EC accredited them to announce the results as they came in from different centres.

5.1.2 Peace Journalism: Were Messages on Violent Acts During the Electoral Process In Accordance with Principles of Peace Journalism?

GTZ Forum for Dialogue for peace and justice with financial support from the British High Commission organised a four-day training course on Peace Journalism for journalists in the country from 23rd February to 26th February 2009 at Sunbird Mount Soche Hotel in Blantyre. The course was immediately followed by an election strategy workshop for media managers held on 27th February 2009 at the same venue. The purpose of the course was to help journalists acquire skills in peace journalism so that they could effectively contribute towards conflict free elections and to train media managers in proactive planning in election coverage. Peace Journalism is a critical realist theory about the reporting of conflict. Critical realism has been described by Wright (1996) as: A way of describing the process of 'knowing' that acknowledges the **reality of the thing known, as something other than the knower** (hence 'realism'), while fully acknowledging that the only access we have to this reality lies along the spiraling path of **appropriate dialogue or conversation between the knower and the thing known** (hence 'critical') (pp. 35-36). According to Lynch, Jake and Annabel McGoldrick (2005:5), Peace Journalism is:

When editors and reporters make choices - of what stories to report, and how to report them - which create opportunities for society at large to consider and to value non-violent responses to conflict

In essence, Peace Journalism uses conflict analysis and transformation to update the concepts of balance, fairness and accuracy in reporting. It provides a new road map tracing the connections between journalists, their sources, the stories they cover and the consequences of their reporting - the ethics of journalistic intervention. It applies an awareness of non-violence and creativity to the practical job of everyday reporting (WACC). Lynch et al (2005:5) points out that proponents of peace journalism argue that the existing media environment and its practices, which stress sensationalism, immediacy, and in some cases promote propaganda and misinformation, tend to exacerbate conflict rather than contribute

to its resolution. In the light of this elaborate definition of Peace Journalism let us look at some cases on how the media reported on violence in the 2009.

The two dailies in the country reported enormously on stories that concerned the peaceful coexistence of people with different political affiliations. Notably, *The Daily Times* published a story that students from Double Vision Secondary School stoned the presidential convoy when the president was coming from Blantyre as he held whistle stop tours on his way to Lilongwe. Lilongwe is considered as a stronghold for Malawi Congress Party (MCP). The paper quoted student sources who seemed not to explain clearly about the incident because most of them fled for their lives as the army pounced on them. The story also quoted teachers who were allegedly beaten while the headmaster was not present at the scene. The Malawi Defence Force soldiers picked some students together with their teachers to the barracks. However, there was no reaction from the army sources because the reporter did not contact them. The police were only investigating and so did not explain what really happened.

In a turn of events, barely a few days later, both *The Nation* and *The Daily Times* of May 13, 2009 published a story that DPP supporters at Goliati in Thyolo stoned the convoy of United Democratic Front (UDF)'s chairperson Bakili Muluzi who wanted to hold a rally at the trading centre. In the fracas, two people got injured. Both papers did not condemn the two incidences through either their editorial comment or any of the columns.

It is interesting to note that journalists from the two leading papers were trained in Peace Journalism whose belief is that conflict can be mediated or negotiated and the media has that obligation to diffuse any possible eruption of violence. However, *The Daily Times* carried the story with the headline '*Muluzi Convoy Stoned*' while *The Nation* said '*Muluzi Vehicles stoned in Thyolo*'. The details of the same incident did not match with each of the papers' edition on the stoning of the convoy. On one hand *The Daily Times*' reporter said the fracas happened somewhere around Goliati, telling the reader that he the reporter was not certain about the place. The reporter went on to contact the possible sources to comment on the issue without telling the reader the exact cause of the fracas and the result of it. On the other hand, *The Nation* tried to explain both the cause and the results of the incident. However, the two dailies fell short of condemning the violence. They failed to apply the principles of peace journalism that emphasizes that the media must mediate violence and provide alternatives in their stories. They also have to depict incidences of violence not as two antagonistic parties but revealing the details of the fragments of the violence.

It might be presumed that both the Double Vision and the Goliati stoning triggered another stoning of Mutharika's Scania Bus at Mbaluku in Mangochi. Perhaps if the media had not publicized the first fracas in Lilongwe the other two incidences in Thyolo and Mangochi might have not happened since apparently they took place as retaliation. It might be concluded that the media promoted violence by exposing the violence on their front pages and not condemning them as they have done before in other stories.

5.2 Voter Registration

The private media became so critical and a reliable source of information to the public during the pre-election period, during the voting time and the announcement of results. But they also became instrumental particularly during the voter registration process that was widely regarded as unsatisfactory by election stakeholders. According to media reports the registration period which took place between August 2008 and January 2009, the EC became handicapped to process all of the

registration data in time for the April verification period and subsequently missed a number of its own deadlines for the publication of the voters' roll. When the EC published the final version on 4 May 2009, it still contained anomalies according to *The Daily Times* which quoted the MEC chairperson Anastazia Msosa (*The Daily Times*, 4 May 2009).

5.3 Civic and Voter Education

The Malawi Media Code of Conduct (2008:4) states that one of the roles of public broadcasters, newspapers and private radio stations during an election campaign is to take part in the voter civic education in which the media gives informative messages to the masses on the electoral process.

However, the voter and civic education carried out by MBC and TVM was not in line with the above guidelines as the two state controlled stations, throughout their civic education programmes and other Special programmes, adverts and commentary relating to this matter, emphatically told the electorate to vote for the first name that appeared on the ballot papers, which in this case was the box where DPP presidential candidate, Dr. Bingu wa Mutharika's name who was also the incumbent State President was placed. This interfered with the independence of the voters' choice on candidates. These overtly biased voter education programmes and comments came during the last one month of the electoral campaign. Public broadcasters therefore largely carried out political party propaganda and not civic and voter education.

Additionally, media houses did not cover voter and civic education issues adequately and in good time because organizations which conduct voter and civic education which provide most of the material and programme content for voter and civic education got their financial support late and their budgets were cut down. Needless to say that, the Electoral Commission depended constantly on the media to pass its message across. When the EC approved the accredited organizations, the EC relied on the media to publish a list of accredited organizations to conduct civic voter education. The media played an informative role to have the EC regularly pass on its information to the voters.

5.4 Corruption and Fraud in the Electoral Process

Following the auditing at the EC's accounts, both *Nation Publications* group of newspapers and *Blantyre Newspapers* group exposed the theft of K400 million at the EC's secretariat. The stories also focused on the effect the theft and consequent arrests had on Mec such as its capacity to successfully run the elections. Headlines such as, "*K400 MILLION MISSES AT MEC*" (*Sunday Times*, February 15, 2009); "*K400m Mec Case starts*"; (*Daily Times*, February 17, 2009); "*Court Rules on Mec Officers Bail today*" (*The Nation*, 17 February 2009); "*Tears as Court denies Mec staff bail*" (*The Nation*, 18 February 2009); "*Arrests affect Mec*" (*The Daily Times*, March 2, 2009). The stories exposing the malpractice of the electoral body showed a sheer watchdog role of the media that aims at fostering accountability and transparency through exposing fraud and corruption during the elections. The story which led to the arrest of 10 EC's staff in the accounts department was factual but as later reports indicated untrue. "The sum was never described by the police as theft but "not accounted for". It also turned out to be 2 Million and not 400 Million Malawi Kwacha and seven of the 10 were released without charge.

6.0 Women's Participation in the Electoral Process – Media Applauded in the noble cause of promoting women

In a bid to achieve the 50:50 goal campaign for women representation in decision making positions, the media provided more airtime and space to women standing as candidates than in the past elections. Thus the media, particularly the newspapers, were applauded for participating in the noble cause of promoting women. The civil society organizations applauded the media in the country on the extensive coverage of women parliamentary aspirants. The *Daily Times* reported a story with the headline, **“CCJP applauds media on women coverage”, (Wednesday February 18 2009)**. The story quoted the CCJP Gender and Civic Education Officer for Archdiocese of Blantyre Pius Mtike who said that journalists were doing a good job in sensitizing the nation on the importance of supporting women before, during and after elections. Said Mtika, “As CCJP, we are pleased that journalists are supporting the efforts to see more women in parliament”.

On the same issue, Human Rights Consultative Committee (HRCC)-a network of over 80 human rights NGOs and civil society groups, congratulated Joyce Banda on her new appointment as President Bingu wa Mutharika's running mate. The *Daily Times* published the story that read, **“HRCC praises Joyce Banda”, (Thursday, February 12, 2009)**. The newspaper quoted HRCC Chairperson Undule Mwakasungula and National Coordinator Mabvuto Bamusi who sent their congratulatory message through a media statement describing Joyce Banda's selection as a milestone in as far as the promotion of women in concerned.

While *The Daily Times* reported on women's promotion in the parliamentary elections, The Nation took its turn to report on a decimal number of women candidates contesting in the May 19 elections against their male counterparts. The Nation **(26 February 2009)** carried a rather negative headline, **“209 female candidates in parliamentary elections”**. The story said there were only 209 women out of the 1, 146 registered parliamentary candidates for the May 2009 elections. However, the same newspaper said the number of women represented a 6% increase compared to the last election's number of women candidates who were 155 out of 1, 261 registered candidates. The paper used Malawi Electoral Commission's sources. The *Daily Times* also left no stone unturned for women aspirants as the paper carried a promising story with a bang headlined, **“Women aspirants vow to win polls”, (Tuesday, February 24, 2009)**. The paper has a Chairperson of the task force of women aspirants Rose Anthony as its source. Anthony expressed optimism that the majority of women contesting in the elections would win.

The messages the media carried included short campaign messages from each woman candidate particularly on radios; that women candidates would be able to achieve more than is generally conceived once voted into parliament. Some of the messages were specific and general advertisements promoting women candidates. These included slots on messages from each woman candidate and pictures of women candidates carried in supplement pages of the newspapers. The message slots from the candidates and picture supplements were sponsored or paid for adverts. However, there was bias in the coverage of women campaign messages with the public broadcasters carrying only messages for the DPP candidates while Joy was carrying messages of women representing mainly UDF. Zodiak Broadcasting Station was very exceptional in that it provided space for all women candidates. According to media reports, out of 1184 candidates, 232 were women and from the seven presidential hopefuls, one was a woman and two running mates were female. For the first time in the history of Malawi, 42

women parliamentarians were sworn in on May 2nd and 3rd 2009 following their victory in their constituencies.

6.1 Propaganda Messages

Although the issue of politicians' use of propaganda does not come out as one of the major challenges that negatively affect the electoral process (free and fair elections), it is worthwhile to point out that the impact of propaganda on people's choices of political parties and their candidates cannot be undermined. It denies journalists to access the issues that are salient and pertinent to elections and consequently makes the electorate fail to make an informed choice, due to lack of facts from the people who could have provided them with such important information.

Analysing the 2009 PPE campaign messages that some party presidential candidates were communicating to the electorate, you find there were few if any issues or facts at all. As propagandists they had one common thing, a will to persuade the electorate and to have them take a certain action. Instead of providing the electorate with issue – based elections campaign messages, they were on their podiums busy presenting information that is primarily intended to influence Malawians to think the way they wanted such as *name calling* other contestants. For example, messages that were being filtered through the media particularly the public broadcasters and Joy Radio station were largely personality based and not issue based. Malawians, were being persuaded to believe that so and so is a *murderer, hyena, lizard or bus wiper*.

The Role of Journalists: A case study

Norms and code of ethics play a great role in guiding an individual journalist or editor in making decision in the news-making process. (Oosthuizen, Faure & de Wet 1991:122) defines norms as “the unwritten rules of conduct that apply within a community”. For the media this means that-as far as their content is concerned- there are certain rules governing what ought to be published and what may not be published. These rules act as regulators of newspaper content and not censorship as might wrongly be misconstrued. “The key issue is often whether or not something is in good taste, that is, whether it is acceptable or unacceptable to the recipients of media content, (Fourie 2001: 166). Cultural differences could play a role in this regard.

‘Bingu dubs independents hyenas’, The Daily Times, April 20 2009

The author translated the DPP presidential candidate, Dr. Bingu wa Mutharika's part of his speech at a political rally in Nkhata Bay during a whistle stop into English. As monitored on MBC Radio 1, the speech made dubbed the independent political candidates as 'hyenas'. The story said the DPP presidential candidate did not recognize all the independent candidates that were campaigning for him but are not standing on DPP ticket.

Comment

The dubbing of these aspiring independent members of parliament as hyenas or in other circumstance the President referred to them as mimbulu (wolves) has been used quite often. Most media houses did not give this much prominence as news headlines. That was quite encouraging because it was one way of diffusing tension from among those that wanted to answer back. However, it became somewhat

surprising for the journalist to report on the same story as if name-calling was a new phenomenon or a salient issue in election messages.

Propaganda

The word *hyena* as used in the story has an undeserved reputation referring to the independents as 'thieves' and 'scavengers' that subsist on the leavings of the larger predator. Thus, the name calling element (*hyena*) the reporter uses signifies the presence of propaganda in the story. The reporter instead of having the discretion to inform the public for them to make an informed choice on the candidates, he deliberately attempted to shape perceptions, manipulate cognition, and direct behaviour to achieve a response that furthers the desired intent of the DPP presidential candidate. The reporter, in the analyst's opinion, should have also captured the development promises that the DPP candidate presented to the people in Nkhata Bay. It remains increasingly difficult to appreciate what the reporter in question considered newsworthy between development policies which the DPP presidential candidate ably articulated at the beginning of his campaign speech during a whistle stop tour and the part of the speech which was loaded with inflammatory language in the form of name-calling. This may be a good research question on news values in the Malawian media. This assessment finds the reporter's approach to the story as doing more harm than good by portraying conflict instead of being part of the process of conflict resolution as peace journalism requires.

In summary, looking at the story approach one would be interested to know why the editor decided not only to publish the story but also to give it such prominence. The fact that the DPP presidential candidate initially focused on highlighting the party's development policies as outlined in their manifesto suggests that he did not address the rally to castigate his political opponents. As monitored on MBC Radio 1, the President did highlight these development policies. Therefore, we may suggest that the reporter disregarded the importance of focusing on issue-based election messages and preferred name calling and thus failed to distinguish bad from good journalism, and journalism from propaganda. The story never aimed at stopping politician from demonizing each other on podiums. One way through which the media can help in ensuring conflict free elections is by focusing on salient election messages and avoiding trivia. However, one would also argue that leaving out the name calling aspect is censorship in favour of the presidential candidate addressing the rally but it is also equally censorship to omit the development aspect that is construed as a disfavor to the presidential candidate.

6.2 Opinion Polls

A number of opinion polls were published during the run up to the 2009 PPE. On 26th August 2008 *The Nation Newspaper* of 26th August 2008 published a story whose contents were based on an opinion poll results conducted by the Lilongwe Diocese Catholic Commission for Justice and Peace (CCJP) which stated that Democratic Progressive Party (DPP) would get 30 seats in Parliament while Malawi Congress Party would scoop 70 seats, if elections were to be held in August 2008. The story invited reactions from the DPP with its publicity secretary, Dr. Heatherwick Ntaba categorically rejecting the results of the poll and dubbing it 'cooked'. Following pressure from the DPP and some sections of the public CCJP disassociated itself from the opinion poll and put the blame on their member of staff who was held responsible for prematurely leaking the poll results.

On 27th August 2009 MCM released a Media Statement urging media houses to handle Opinion Polls with care as it is stipulated in the Malawi Media Code of Ethics. The statement which provided

comprehensive guidelines on editorial opinion poll management, reminded the media that opinion polls need careful handling because they are sensitive, and still a relatively new phenomenon in Malawi. Section 8 (1, 2, and 3) of the Malawi Media Code of Ethics states:

1. *The media has the legitimacy to reflect public opinion and interest. In this regard, it may utilize random surveys and opinion polls. However opinion polls need very careful handling.*
2. *The media recognize that inaccurate, unprofessional, sometimes deliberately false opinion polls give a totally distorted view of the truth of public opinion or voting intentions.*
3. *Media houses should not present a random survey as a scientific opinion poll.*

The state-run Malawi Broadcasting Corporation and Malawi Television had "good news" for Mutharika. Quoting a UK-based pollster South Data Poll, the two state broadcasters said Mutharika would win the scheduled 19 May 2009 elections by a landslide victory of 82 per cent, while his ruling Democratic Progressive Party (DPP) would amass 118 seats in the 193-member Parliament. The poll results, according to the two media houses, indicated that opposition leader John Tembo would come second with 12 per cent of the vote while Muluzi would poll a paltry 4.2 per cent. Tembo's MCP, according to the poll, would go to Parliament with only 33 seats while Muluzi's UDF would win 25 seats. But Malawi Television reported UDF director of Research Humphrey Mvula dismissing the poll as fake.

6.3 Polling Day

6.3.1 VOTING: "Peaceful orderly Vote", The Nation, May 20, 2009

According to the media the 2009 Polls saw an unprecedented turn out of voters. They said that elections were conducted in a generally peaceful environment and provided a wide choice of political contestants. The media did not report any violence to attest to any act of disturbance.

However, to gratify curiosity, man had to bite a dog. *The Daily Times* of May 20, 2009 carried a story that a swarm of bees disrupted the voting process in Lilongwe City Centre at Civic Offices. In addition, the paper said that another force of nature at Mitundu Primary School in Lilongwe Msinja North disrupted voting when a whirlwind swept away a ballot box for presidential votes, scattering already cast votes in the dust. Some votes were recovered while others were permanently swept by the whistling dusty wind away into the smoky brown sky.

The Daily Times on the same day in an article under the headline: 'Names miss in Nkhota Kota' reported that their spot check in several constituencies in the district showed that some voters still had their names missing in the register of voters despite the Electoral Commission's efforts to clean up the voter's roll before polling day. For example, at Linga Primary polling center in Nkhota Kota South, the situation was serious as inmates from Nkhota Kota Prison were mixed in the same register with voters from the primary school centre. The register had to be sent to the inmates to vote first since they were not allowed to go out while the voters from Linga Primary centre waited.

The Nation newspaper on May 20, 2009 on the other hand reported that the elections were peaceful and orderly. In their front page article 'Peaceful, Orderly vote', said stories from their reporters showed that the elections were conducted in peaceful and orderly manner despite some hiccups that

characterized the first few hours of the exercise. The paper quoted leader of the Commonwealth observer mission, John Kufuor and the European chief observer Luis Morgantini as applauding the country's citizens for a peaceful election.

6.4 Voting and Counting; Electronic Media

On the Election Day, the media were both observers of elections to ascertain transparency and accountability as informers of the people of Malawi on all developments regarding the elections. Unlike in the 2004 Parliamentary and Presidential Elections, the media in the 2009 Polls were superb in delivering the poll results. In 2004, Malawians were not satisfied with the announcement of the results. The superb performance in 2009 might be probably because two private radio stations, Zodiak Broadcasting Station and Capital FM, star performers in the 2009 electoral process coverage, according to EC independent monitoring report, were officially accredited to cover election results in addition to public broadcasters. Perhaps, to prove a point, MBC this year did an exceptionally good job systematically informing the public as results initially trickled in and later poured in from the centers.

As reported on ZBS, Capital FM, MBC Radio 1 and TVM, soon after the close of polling stations at 18.00, counting started in all polling stations. They reported that at each tally centre in the districts, representatives of political parties were also present to witness both the counting and the announcement of results. People across the country followed the announcement of the election results through these public and privately owned radio stations. Media Council of Malawi, making an interim statement on the 2009 Elections results, aired on ZBS, Capital Radio, Power 101, Radio Islam and Trans World Radio, applauded the media for a noble work done in the announcements of results.

EC's decision to accredit two private radio stations i.e. ZBS and Capital FM for the first time in Malawi to officially broadcast the results of the 2009 Parliamentary and Presidential Elections (PPE) alongside public broadcasters is a milestone in the development and growth of the media industry and also the management of elections in Malawi. This meant several things: The official recognition and adoption of plural approach to coverage of election results by broadcasters. Pluralism has many advantages. Besides making democracy a true experience, it also enables broadcasters to benchmark against each other and against very strict standards. The fact that four broadcasters were involved it meant improvement of quality production and presentation of elections results due to the overt or even covert competition that might have ensued. Secondly, it meant the application and use of best practices by the EC in regulating broadcasters in their conduct in the coverage of elections results. In the past two elections, 1999 and 2004, particularly the later, there were a lot of unofficial complaints from the public on how MBC used to cover the election results. In 2004, Malawians were not satisfied with the announcement of the results. They were sceptical about the results announced by the public media, particularly MBC, believing that the figures announced were deliberately being distorted and therefore regarded not credible. There have not been similar complaints during the 2009 polls. However, improvements in the broadcasting of results might also have been due to the innovation the EC made in its information systems particularly the information technology used at COMESA Hall.

6.5 Post Election Situation

6.5.1 Presidential Swearing In Ceremony: Weekend Nation and Malawi News May 23-29, 2009

Both papers published stories on the swearing in of the Head of State elect which took place on Friday, May 22 2009 hours after the Electoral Commission had announced the official results. *Weekend Nation* on its front page said ‘*No Vengeance*’ while Malawi News wrote ‘*So help me God*’. The papers reported that the president assured Malawians in his inaugural speech that his government would not target anyone for vengeance or retribution in the aftermath of the elections. The President promised to heal wounds and bruises caused during the election period. No stories however were sported in the media on reactions to the president’s speech for the rest of the week that followed.

Typical breaking news was heard on ZBS, on the eve of the inauguration of the president elect carrying an interview of Dr. Bakili Muluzi, former State President of the Republic of Malawi and chairperson of the opposition UDF, congratulating the DPP presidential candidate, Dr. Bingu Wa Mutharika and recognising the choice of the president Malawians had made. Muluzu’s message which was least expected, when you consider the fierce feud that existed between the two since the 2004 elections, added immensely to the serenity and joy Malawians were already enjoying when results were becoming clear about Mutharika’s and the DPP’s landslide victory.

7.0 CONCLUSION: LESSONS LEARNT AND TRENDS

7.1 Lessons Learnt

Since 1994, the legal instruments have failed to ensure that public broadcasters should fulfil their legal mandate to provide the electorate with a balanced, fair and equitable coverage of the electoral process. Media self – regulation, which is still a relatively new concept in Malawi, and operates purely on volition, seem to be providing hope for an ethical and professional media. The independent monitoring units and studies have shown that media self-regulation has been effective in the coverage of 2009 Parliamentary and Presidential Elections.

The professional conduct that Capital FM, Zodiak Broadcasting Station, MIJ FM and Star Radio have displayed in the 2009 PPE demonstrates or suggests that editorial Independence is better achieved in media houses that are either owned or run by media professionals other than politicians.

According to Tim Neale, the sad thing is that no government in Malawi has shown any sign of learning the lessons from any elections since 1994 or even recognising that there were lessons to be learnt. The reports by all election observer groups over the past 15 years – AU, EU, Commonwealth, SADC and every internal assessment have highlighted the imbalance of the public service broadcasters. This time the reports will be the same but with the added fact that a private station (JOY Radio) joined the political battle of the airwaves on behalf of UDF. This is a highly regrettable development as it will be used as an excuse for tit-for-tat political broadcasting with no adherence to the Media Code of Conduct.

7.2 Negative Trends 2004-2009

So the negative trends are twofold:

- The State media continued the totally undemocratic policy of denying access to the opposition and
- A popular private radio station followed suit
- A well accentuated phenomenon in most of the Malawian media was the positive/negative presentation of an issue rather than neutral/objective presentation of the election subjects.

The danger is that this could become the norm; that there will be a series of radio stations attached to – maybe funded by yet another political party. This would inevitably be seen by any ruling party as being a threat to itself. There would be an easy, ready-made (if still indefensible) excuse for excluding from public broadcasting any opposition party that was using a radio station as a political weapon. This development (already under way in the form of Joy Radio) would destroy the principles that are the basis of journalistic ethics.

7.3 Positive Trends

The positive trends include:

- The continuing commitment to balanced political coverage by Capital FM which was a star performer in the 2004 elections and repeated that performance in the run-up to the recent elections.
- The development over the past two/three years of Zodiak Broadcasting Station with its extensive transmitter coverage bringing to rural Malawi for the first time since independence a chance to hear about political choices – an opportunity previously only available to Capital’s urban audiences.
- The encouraging approach of both Star Radio and MIJ FM who have joined the democratic ranks with modest but well-balanced political coverage.
- The fact that the two main newspaper groups are both able to give very substantial balanced coverage that gives no hint of any political influence or pressure.

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