



**EXAMINING STAKEHOLDERS' VIEWS ON THE IMPLICATIONS OF THE DELAYED ENACTMENT OF THE
ACCESS TO INFORMATION BILL ON MEDIA REPORTING IN NAMIBIA**

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ABSTRACT

The purpose of the study was to examine stakeholders' views particularly the views of print media members on the implications of the delayed enactment of the Access to Information Bill on media reporting in Namibia. The main objective of the study was, to examine stakeholders' views on the implications of the delayed enactment of the Access to Information Bill on media reporting in Namibia. The Social Responsibility theory was underpinned for this study to provide clarity on media mode of operandi from various scholars' perspective. The methodology used to collect data was qualitative, with a targeted population of at least 100 three print media houses journalists and editors. A purposive sampling strategy was employed to select 7 journalists and one editor from 3 different print media (*The Namibian, Namibian Sun and New Era*). Data was collected by interviewing the sampled participants. The main findings of the study indicated that the Access to Information Bill has an impact on access and availability of information to journalists. It was found that several provisions within the Act on restrictions to information classified by the state contradict the ratifications to which Namibia is a signatory and also the right of every Namibian in the Constitution whereby Article 21 (1990) of the Namibian Constitution, states that "All persons shall have the right to; freedom of speech and expression, which shall include freedom of the press and other media." Although the state within the same constitution is provided reasonable grounds for national security not to disclose classified information, participants are of the view that the state deliberately freezes information that perhaps they think will damage the reputations of the institutions if they are to be released to the media. Journalists sometimes work in environments where they are treated unfairly in particular the private media versus the state media given preferential treatment while the private media is denied access to the same venue where a press conference is taking place. One of the findings of the study was that there is no media freedom in Namibia, due to the absence of laws that promote freedom and access at the same time. Another finding point to the state which has a moral obligation to make sure that information dissemination and access to information which are basic Constitutional rights are maintained but media freedom is restrained by censorship, as such the state should speedily pass the

Access to Information Bill into a law whereby the journalists' Modus Operandi will be facilitated through the same laws. Several recommendations were made including abolishing of outdated laws. In line with the findings, the legislators must set timelines and commit to meet each deadline, industry stakeholders must be consulted to commonly decide which laws or aspects of it must be repealed, consult their industry and consider their views and inputs. Similarly, it was found that unfair treatment of journalists and harassment with litigation on publishing information rightfully gained make the legislative environment toxic, therefore it is recommended that the legislative environment should be proactive and not reactive, laws affecting bread and butter issues and quality of life for now and the future should be prioritized, new laws should be promulgated. Last but not least in line with the objective of the legislative environment, the justice ministry should ensure they provide a portal that will provide court rolls and case appeals; however, it needs to be more frequently updated as well as promoted.

Key words: Access to Information Bill, Media freedom, Media Reporting In Namibia, Journalists, Editors, Publication, Censorship, The Social Responsibility, Litigation, Human right, Namibian Constitution

CERTIFICATION

The undersigned certify that they have read and hereby recommend the acceptance by the Namibia University of Science and Technology a dissertation titled **EXAMINING STAKEHOLDER’S’ VIEWS ON THE IMPLICATIONS OF THE DELAYED ENACTMENT OF THE ACCESS TO INFORMATION BILL ON MEDIA REPORTING IN NAMIBIA** submitted in (partial) fulfilment of the requirements for the Master's degree in Journalism and Media Technology (Faculty of Human Science) Department of Communication at the Namibia University of Science and Technology.

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DECLARATION

I, **Fidel H, MATTY** student number 215092643 declare that *Examining Stakeholders' Views on The Implications of the Delayed Enactment of the Access to Information Bill On Media Reporting in Namibia*. The content I used in this study was cited and referred to in the reference list. There was no guidance from any other person other than the supervisor and those that I acknowledged in this research. I declare that the content of this report has never been used for any qualification at any tertiary institution.

Student No: 215092643

Signature:

Date: July 2021

DEDICATION

This study is dedicated to my parents who have instilled respect in me that enabled me to come this far in life. I have witnessed living legends in you and would like to thank you for your support.

To my mentor, friends, supervisor, and classmates who shared their words of advice and encouragement to finish this study.

Lastly, I dedicate this research to the King of Kings for his mercy, grace, and guidance to complete this study.

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LIST OF ACRONYMS

EFN-Editors Forum of Namibia

HPP- Harambee Prosperity Plan

IPPR-Institute for Public Policy Research

LRC-Law Reform Commission

MTC- Mobile Telecommunication Company

MP- Member of Parliament

MISA-Media Institute of Southern Africa

NAMPU- Namibia Media Professional Union

NCIS-Namibia Central Intelligence Service

NDP- National Development Plan

NMTAC- Namibia Media Trust and Action Coalition

SDG- Sustainable Development Goals

TN- Telecom Namibia

UNESCO- United Nations Educational, Scientific and Culture Organisation

CHAPTER 1:

INTRODUCTION TO THE STUDY

1.1 Introduction

Openness and transparency in any democratic state must be proven by the ability to access the most crucial information (Tibinyane, 2017; Borgman, 2003). Article 21 (1990) of the Namibian Constitution, states that “All persons shall have the right to; freedom of speech and expression, which shall include freedom of the press and other media.” Therefore, freedom of the press, including free access to information, freedom of speech, media independence in reporting and pluralism is fundamental to an open and democratic society (Links, Fikameni and Hasheela, 2017). In the absence of a law that regulates and give rights to information, the government has made it harder for media houses to penetrate even the most crucial information (Links, Fikameni and Hasheela, 2017). Links, Fikameni and Hasheela (2017) observes that these constraints did not only affect the media but the general public, citizens, civil society, international organizations that are watchdogs on things like human rights violation and torture as well as industry. Tibinyane (2017) argues that access to information is important to every citizen in the country because the government was established by the rules of law and therefore leaders of the government must be transparent and accountable on how to run the affairs of the country. It will be tantamount to betrayal to the electorates if they cannot access information from the media (Tibinyane, 2017). Considering the above inputs from various pieces of literature conducted in Namibia, this study investigated the Access to Information Bill being delayed.

1.2 Background to the study

There is a consensus that access to information is indispensable for a functional democracy (Tibinyane, 2017). It is for this reason that access to information has been recognized and guaranteed as a fundamental human right (Tibinyane, 2017). Openness and transparency in any democratic state must be proven by the ability to access the most crucial information (Tibinyane, 2017). On one hand, there seems to be an outcry among journalists and members of the public in Namibia concerning access to

information (Tibinyane, 2017; Mare, 2019). On the other, there is a denial of information to journalists in the public domain this is commonly observed because of “investigative reporting and it is becoming harder to sustain (Tibinyane, 2017; Wasserman, 2013). Trends show that media independence is weakening, this rather means that new media regulation has dramatically changed due to an increase in technological, large internet companies emerging that are compelled by regulations from their governments (UNESCO global report, 2017/2018). Further claims made stated that “Although media and the professional standards of journalism are being eroded by economic forces, on the one hand, lack of recognition by political actors on the other” (Remmert, 2019, p.9).

Media and society are encompassed by press freedom which is declared by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a human right issue (Remmert, 2019). For instance, in 1999 a bill was introduced for it to be passed into law, called Combating of Rape Bill for public comments, the members of the public were invited to engage on how to sentence the offenders on rape cases, however, the Law Reform and Development Commission which is responsible for such consultations never made such information public (Hubbard, 1999). Furthermore, “written comments on the draft bill were submitted by only five groups and individuals (including the Legal Assistance Centre). These written comments were never made public.” Media freedom is every citizen’s right, as stipulated by the Constitution of the Republic of Namibia. Moreover, the objectivity of media pluralism can contribute to a more open, transparent, and accountable society (Remmert, 2019). Article 21 (1990) of the Namibian Constitution, states that “All persons shall have the right to; freedom of speech and expression, which shall include freedom of the press and other media” (Hubbard, 1999, p.8). Therefore, freedom of the press, including free access to information, freedom of speech, media independence in reporting and pluralism is fundamental to an open and democratic society (Links, Fikameni & Hasheela, 2017).

Therefore, the absence of the Access to Information law may likely make it harder for journalists to approach various agencies/offices/ organizations in both the private and public sectors to obtain

information. Furthermore, currently, the flow of information to the media appears to be kept under scrutiny by the Ministry of Information and Technology. It is for the argumentations presented above that this study investigates stakeholders' views on the implications of the delayed enactment of the Access to Information Bill on media reporting in Namibia.

1.3 Problem statement and rationale

Media houses are facing numerous challenges when it comes to access information. the UNESCO global report, 2017/2018 reported that media freedom has been limited with defamation laws, other legal constraints on journalists, internet controls, cut-offs as well as content removal. Most of the time are expurgated whereby the work ethics of journalists and reporters to investigate and report fairly are met with lawsuits. Considering the above, there was a case of the Patriot Newspaper journalist and the Namibia Central Intelligence Services (NCIS) which draw the attention of both the public and other media. The delayed enactment of the Access to Information Bill is likely to negatively affect the journalists' practice and media reporting. In addition to that, the public, which has the right to information according to the Constitutions of Namibia Article 21, may likely not be fed with relevant, accurate and most updated information to make an informed decision. Links, Fikameni & Hasheela (2017) observes that cases of alleged corruption remain secretive, while some cases drag on for too long to prosecute the suspects or take an appropriate decision because either information might not be accessible in public or private institutions.

Besides, the research study will explore and analyse the role of the media in a democratic state, in the absence of the regulatory frameworks, which make provision to obtain information from public and private institutions for citizens to make informed decisions.

Finally, the research study further examined to what extent the access to information bill might affect the information flow in Namibia. Links, Fikameni & Hasheela (2017) argues that the absence of laws or acts that regulates information flow in Namibia.

1.4 Objectives of the study

The overarching objective of the study is to examine stakeholders' views on the implications of the delayed enactment of the Access to Information Bill on media reporting in Namibia. The study aims to fulfil the following sub-objectives:

- To examine the roles and responsibilities of the media in democratic Namibia.
- To establish the legislative environment that affects the operations of the media in Namibia.
- To examine the extent to which the Access to Information Bill is likely to affect the information flow and media reporting in Namibia.

1.5 Significance of the study

This study is important to the country, more specifically, it would benefit media holdings as well as lawmakers, civil rights organizations, and public and private institutions. All mentioned stakeholders are equally responsible to preserve as well to promote the dissemination of information in line with the Constitution of the Republic of Namibia specifically Article 21, subsection 1 (a), as well as policies as a monitoring tool for media operations. The study stands to contribute to the existing body of knowledge by providing the knowledge to fill the current gap as well as the critical examination of the implications of the delayed enactment of the Access to Information Bill on journalist practices and media reporting. In a nutshell, this study sought to inform media practitioners, journalists, media houses, journalism scholars and the public in particular, on the necessity of giving absolute freedom to media to publish information without bias, political intimidation, fear or favour.

1.6. The delimitation of the research

This study focused on the Access to Information Bill which is still in its draft proposal. With the view that much of the information needed in the public arena have been repudiated, particularly those that pertain to governance issues, the fight for corruption, bribery and nepotism etc. This study is limited to the print media namely *The Namibian*, *The Namibian Sun* and *New Era*.

1.7 Definition of key terms

1.7.1 Access to Information Bill:

This is viewed as a vehicle through which information must be accessed to uphold democratic values for the sake of good governance (Tibinyane, 2017). In other words, the Bill will provide journalists with unlimited access to information. The flow of information to the public is necessary for them to make the right choices.

1.7.2 Democracy:

United Nations Educational, Scientific and Cultural Organization [UNESCO], (1992) defined democracy as a matter of the free choice of government, not the pursuit of "popular" policies.

1.7.3 Legislation:

Law or set of laws that are already passed in parliament (online dictionary)

1.8 Thesis outline

This thesis is comprised of five chapters.

Chapter one introduced the research topic and contextual background with a statement of the problem, research objectives, significance, delimitation and the definitions of terms.

Chapter two briefly outlined the social context of the research and literature review, as well as salient debates relating to the implications of the delayed enactment of the access to information bill on media reporting in Namibian. It also described the theoretical framework of the research study.

Chapter three outlined the research methodology which entailed the design, the population, sampling, data collection and data analysis, validity and reliability issues as well as the ethical consideration

Chapter four: presented the finding from the interviews, as well as the analysis and interpretation of the data presented.

Chapter five: provided a summary of the thesis, the discussion and offered recommendations in relation to the research questions and objectives it aimed to answer.

1.9 Summary

This chapter highlighted the introduction, the background of the study, the statement of the problem, research objectives, research questions, the significance of the study, and limitations of the study and delimitation of the study. The next chapter focuses on a review of previous related research studies and different related theories of learning to the research questions

CHAPTER 2:

LITERATURE REVIEW

2.0 Introduction

This chapter presents a preliminary review of the literature for the study together with the theoretical framework which will be used in the current study. The reviewed literature focused on the accessibility of information and press freedom, the media's role in a modern democracy, media freedom and human rights, press freedom and its implications on Access to Information Bill and challenge and Implications in Accessing information and theory underpinning the study. Furthermore, the legal framework in which these media platforms are operating is introspected and the implication of some like Access to Information Bill. What are those legislative pieces? To what extent do they allow media freedom and access to information by the citizens? And in the absence of the bill in question, how do these media outlets operate? What are the challenges they face, etc? This chapter will, therefore, explore the implications and challenges in accessing information and the central roles played by different media institutions in enhancing, promoting transparency, democracy, effective and accountable governance systems as well as corporate behaviour. The chapter will end with the theoretical framework underpinning the study.

2.1 Accessibility of Information and Press Freedom

Although the Constitution of Namibia makes provision for the rights to access of information and freedom of speech and expression, which shall include freedom of the press and other media, there is still a vacuum in the laws and regulation of information with evidence in a study by IPPR report. The report by Links, Fikameni and Hasheela (2017) from the IPPR revealed that *"80% of all organizations and institutions did not respond or could not provide the information requested. Nearly 60% of targets simply did not respond to information requests in any meaningful way. Roughly 85% of Public Enterprises approached for information were unresponsive, which contradicts the prevailing narrative of improving governance, transparency and accountability"* (p.6). This indicates that access to

information remains far from being adequate in Namibia. The report further asserts that access to information in public institutions does not only affect the public sector but even the private sector with *“almost 80% of private companies did not respond, withheld the information requested or did not have such information available suggests that transparency is also not a priority for the Namibian private sector”* (Links, Fikameni and Hasheela, 2017).

Media are categorized into different groups, Larsen (2007, p.13) elaborates on these categories as follow:

Television coverage in Namibia is also facing a similar challenge and access to television becomes difficult as one moves away from urban to rural areas. Similarly, mobile telecommunication in Namibia, both MTC Namibia and TN Mobile with bulk state ownership. “MTC Namibia (owned by the government with 51%) is the largest of the two and claims to have 2.5 million active subscribers, while TN Mobile, wholly-owned by Telecom Namibia, claims to have over 300,000 subscribers” Chipare and Brombart, 2018, p.25. Although the coverage seems to be wide enough, there is seems to be a disparity on who own mobile phones or access to the network for cell phone coverage.

Additionally, Larsen (2007) signposted their concerns about “the contradiction in terms of communication and access to information between urban and rural people, and especially concerning marginalized groups (p.22). Still, there are certain places in Namibia where access to information become very hard probably because of network coverage, no radio or television signals or hardly the people receive newspapers. Media practitioners also indicated their long-anticipated for the bill to be signed into an Act of parliament that will empower both the public and media practitioners with judicious and truthful information (Nakale, 2019). Nakale (2019) indicated that Access to Information law will result in greater pellucid and culpability as journalists will get hold of information from public institutions without much interference. Although at times withholding of information to the public is used by the state using other laws as counteracting actions for the public and media to be kept in the

dark. The editor also stated that the media must hold those in power to account in the best interest of citizens according to Nakale (2019).

2.3 The Media's Role in a Democracy

Modern democracy is dictated by rule of law that ensure that democracy means government by the people for the people. Modern democracy requires a proactive approach through media promoting diversity, pluralism, self-sufficiency, and independence (Larsen, 2007). Also, Larsen (2007) argues that media shape the climate of democratic debate help the establishment and maintenance of good governance. The media must be able to access public information to play a meaningful role in a contemporary democratic society (Remmert, 2019). Therefore, freedom of the press, including free access to information, freedom of speech, media independence and pluralism is fundamental to an open and democratic society (Remmert, 2019). In the past, during the apartheid rule in Namibia, media regulation, censorship, suppression, and restriction were in place (Larsen, 2007). Other forms of restrictions were sanctioned through laws and regulations set up like; “ubiquitous Internal Security Act and those governing defence, prisons, the police, as well as emergency regulations, severely restricted what journalists could report, publish, photograph, or record (Larsen, 2007, p.16). Post-independence era boast of government necessity to replace some if not all laws that were not promoting democracy like “Protection of Information Act of 1982 (Act 84 of 1982)” that was trespassing on media freedoms, in return, for instance, new Acts of parliament were implemented. Press freedom was the main problem before the independence and most media such as radio, television and print were controlled by the apartheid regime. After the independence, the new government which took over in 1990, have sought the needed to implement constitutional reform in media and these were necessitated by the fact that even the outdated laws were to be appealed under the United Nation resolution 435 (Larsen, 2007). Furthermore, the resolution that made provision for the above explanation confronted with the following narratives.

A hefty number of the precincts and constraints imposed on Namibian (then South West African) media were already repealed in 1989 when UN Security Council Resolution 435 was passed. Resolution 435 provided for the repeal of discriminatory and repressive laws before the holding of the first democratic elections Kandjii (as cited in Larsen, 2007, p.17). Unfortunately, Article 140 of the Namibian constitution reads that all laws and acts that were in force immediately before independence (not already repealed) shall remain in force until repealed or amended by an act of parliament or declared unconstitutional by a court Ministry of Information and Broadcasting (as cited in Larsen, 2007, p.17)

The media play a critical role in the development of the country and the dissemination of information. According to Daniels (2010) to get information is a bottom line of human rights in any statutory democracy and no country can truly call itself democratic unless citizens have the right to access and request information that is held by public and certain private bodies. However, there is a strong objection from some quarter of the government to censor information (Remmert, 2019). Additionally, Remmert (2019) argues thatcontrolling regimes are most pointed fingers at for blasphemous media rights, it could be argued that sustainability challenges will ultimately pose just as much of a threat to press freedom. The role of media in the information era creates much to be preferred for with globalization that the media faced especially challenges such as rapid economic, technological, and political changes over the past decade (Remmert, 2019). As a result of that, many media have found themselves in ambiguous positions whereby access to information is denied or described as Namibia's state bureaucracy is highly secretive (Tibinyane, 2017).

Kaapama, Blaauw, Zaaruka and Kaakunga (2007) argues that democratic governance is predicated upon the free flow and availability of information. How independent are the media in promoting democracy and good governance remains a point of debate? However, an argument made so far point to the fact that "the role of the media is fundamentally important in the Namibian context as the

government owns and controls the national broadcaster, the Namibian Broadcasting Corporation (Kaapama, Blaauw, Zaaruka & Kaakunga, 2007). Although Namibia is bound to several treaties such as international human rights instruments that endorse Access to Information (ATI) as a fundamental human right, there are still more to be done as far as ATI is concerned (Tibinyane, 2017). A point of argument from this is that “Namibian Information Policy of 1992 that came into force outlines its purposes which include:

- Enable the country’s press to have the freedom and committed to their ethos and responsibilities of informing members of the public, by educating, informing, and entertaining as well as building a vibrant and democratic country society governed by rules of laws. Therefore, if media sharing a common field in terms of news coverage and information there will not be a meaningful sharing of ideas and national interests.

The role of media although regulated by policy such as the Namibian Information Policy of 1992, their roles are not independent as they are subjected to other regulations where the prohibition of access to specific classified information under the Protection of Information Act of 1982 (Act 84 of 1982). As a result of the overlapping of regulations and laws made the role of media domineering suppressed by the government through regulations put in place. The Access to Information Bill if passed or before it is passed, perhaps the issue of the role of media should be also addressed in light of Article 21 – Fundamental Freedoms (1990) which seeks to clarify that;

All persons shall have the right to

- a) Freedom of speech and expression, which shall include freedom of the press and other media.*

The media role should, therefore, be geared towards ushering in a new era of citizens participations. The role of media in rural areas is exacerbated by various factors like; “the vast majority of private media are urban-orientated, only catering for the urban elite, thus marginalizing rural areas” (Larsen, 2007, p.24). Exclusivity might be one of the factors that also contribute to inequality in which majorities of the marginalized rural community are locked in terms of Access to Information. Therefore, up to date, there is inequality and poor access to all forms of media, although some rural

areas might have access to electricity and network towers, however, some are still left out. The question that could be asked is, how did the Namibian Information Policy of 1992 ensure that the inequality gap between rural and urban areas in terms of Access to Information has been closed? It will be interesting from the findings of this study on addressing the question regarding the inequality gap and the level of exclusivity.

Nakuta and Mnubi-Mchombu (2013) argue that without access to information, no country can claim that it is following ethos, spirit, principles and values of democratic governance because in governance one has to uphold the rules of laws. Thus, Daniels (as cited in Nakuta and Mnubi-Mchombu, 2013, p.336) argues that, for citizens to have a right to admittance and entreaty information that is apprehended by public and private bodies is a motto to transparent and accountable government. Transparent and accountable governments are promoting citizens participation in a democratic society which in turn help citizens to make informed choices in life. A classic example is the current pandemic of Coronavirus also known as (Covid-19) if the government was withholding information with regards to how the spread of the diseases in the country in terms of how many people have been infected and how many people have travelled from outside the country are quarantined then it will be chaos. Because if such people are not isolated from the rest of the population then automatically it will lead to further spread of the disease and may lead to more death.

Corruption and maladministration are at an alarming rate in Namibian and thus it is deemed necessary to have the media play a significant role in a democratic state like Namibia, where the media act as a watchdog in hold the Government accountable for every action being taken. In light of that, media play an important role, as Mendel and Daniels (cite in Nakuta and Mnubi-Mchombu, 2013, p.336) remark that, it is significant for media to empower citizens to know what is going on within government, to uncover corruption and mismanagement.

2.4 Media Freedom and Human Rights

A recent study by Remmert (2019) points out the difficulty faced by many media houses whereby “authoritarian regimes are most blamed for violating media rights. It could be argued that sustainability challenges will ultimately pose just as much of a threat to press freedom” according to Nakuta and Mnubi-Mchombu (2013). Remmert (2019) observes that access to information has been recognized and guaranteed as a fundamental human right in various international, regional, and national instruments. It is fundamentally important to treat information access to the general public as something not to be brushed aside if information accesses “is almost as easy as it is difficult to access government information in Namibia” (Nakuta and Mnubi-Mchombu 2013).

Daniels (2010, p.1) Ombudsman of South Africa remarked; based on the African Commission on Human and Peoples' Rights“ the Declaration on Freedom of Expression adopted by the African States in 2002.

The right to information shall be guaranteed by law under the following principles:

- Everyone has the right to access information held by public bodies.
- Everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right.
- Any refusal to disclose information shall be subject to appeal to an independent body and/or the courts.
- Public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest.
- No one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary for a democratic society; and

- Secrecy laws shall be amended as necessary to comply with freedom of information principles.

Looking at the quotations above one would think that Access to Information in Africa is taken in the context of what are the rights of the human being as citizens in their country and their ability to access information without any form of hindrances. But with each country with its laws and regulations of information dissemination, the Declaration on Freedom of Expression adopted by the African States in 2002 might be interpreted differently according to the laws of the country.

The information is needed for various purposes therefore without information no decision can be made on individual, community and national matters as information might be secretly hidden from the public domains (Daniels, 2010).

There are many instances where and why need the rights to information such as:

Access to information serves many purposes government decisions, statistics, research findings, commissions' findings, new laws, and policies etc. It gives us limitless opportunity to make an informed decision, however on the other hand if there is a denial of information it leads to the more important it is that the pertinent information cannot be shared as widely as possible and becoming practically impossible. Therefore, democracy means information to participate in the governance of the country to influence certain outcomes to get the feeling of the fact of ownership as people fulfil their destiny (Daniels, 2010)

The decision-making process requires people to be well informed thus their rights to access information cannot be violated as such a quote from Daniels (2010, p.2) further explain why our decisions are better made when we are well informed; for citizens, they will only be able to make informed decisions if the media has access to information by expressing their opinions, views and ideas on governance matter. Media must stand between the citizens and the government; in that way, it enhances transparency and accountability for the leaders.

2.5 Press freedom and its implications on Access to Information

Although Namibia has enjoyed a wave of relative peace and stability over the past three decades the government has not done enough to have legislation in place with regards to access to information. One of the recent achievements in 2020, Namibia has retained its top spot on press freedom ranking in Africa for the second year in a row, as well as took the position of number 23 in the world on the World Press Freedom index for 2020, reported in the Namibian newspaper by Oliveira (2020). However, that does not necessary means everything is well, when it comes to press freedom, media pluralism and access to information in Namibia. The country can achieve more if there are legislations in place that enhance media freedom and independence and ensure that there is access to information to the media and society to make informed decisions.

Furthermore, the ranking of Namibia looks at the following aspects; media pluralism and independence, media legislative framework, and the safety of journalists in addition to the quality of journalism in a country according to the Reporters Without Borders (RSF) how they evaluated Namibia for its current position in the world ranking (Oliveira, 2020). Contrary to popular beliefs, concerns are being raised as to why the Namibian media lately raised misgivings over ostracise of some media houses, from records that the government has organized lately for example, how the government will sideline certain media house at the statehouse for press briefings/ conference (Oliveira, 2020). Refute to the arguments made by media on “marginalization” and “exclusion” Dr Alfredo Hengari, the State House spokesperson and other stakeholders have responded to the news report entitled “Namibia's press freedom paradox” which was published in the Namibian Newspaper of the 24th April 2020 by Ngutjinazo. These stakeholders including Dr Hengari declared their mixed feelings over the news report with regards to the World Press Freedom report for 2020 with regards to Namibians rankings. Many critics on the news about Namibian 23rd world ranking on media freedom and provided the following arguments: for ranking does not necessarily mean it is what it is when reflecting media on media outlook (Ngutjinazo 2020). Furthermore, RSF has a certain outlook on media pluralism and independence, legislative framework, and the safety net of journalists apart from the quality of

journalism in Namibia (Ngutjinazo 2020). Again, Ngutjinazo (2020) indicated that the index ranked 180 countries according to the level of press available to journalists. Certain squabbles between media and the government has been observed on collision whereby the state was observed to be harassing media house or journalists. In a case where the statehouse press secretary Dr Hengari during a state of emergency, he invited two media houses namely Namibia Press Agency and One Africa Television to cover President Hage Geingob's Covid-19 update at State House. It has led to media outcry that there is discrimination on how media should operate, however later on Dr Hengari refute the arguments that the Statehouse limited the presence of many journalists to avoid the risk of spreading Covid-19.

By providing the above quotes it bears testimony to the fact that media freedom in Namibia is not 100 % accurate and lucid. Certain aspects need to be improved for Namibian rankings to improve in the future to make it to the top 10 best countries in the world when it comes to world press freedom.

The conclusion that can be drawn from the report is that the government is more concerned with more journalists ethical way of the report. Meanwhile, the government's stance on transparency was defended by State House spokesperson Alfredo Hengari and newly appointed Minister of Information and Communication Technologies Dr Peya Mushelenga, they further alleged that ridiculed journalists were condemned for unethical conduct on their reporting Modus Operandi (Ngutjinazo, 2020).

2.6 Namibian media landscape in context

The rapid changes in the economy, technology as well as politics have placed disadvantages on the media globally to strive for competitiveness and transformation globally. These changes have similar effects on the Namibia media landscape as well. One of the positive development associated with media is the emerging of a digital platform where the media can be transformed into a digital revolution whereby the vast majority of the citizens can access media through the internet (Remmert, 2014). Currently what is happening is that media need to be competitive, fair and unbiased in the ethical work of journalism, however, the challenges remain with the policies that are supposed to

regulate the industry against unfair disadvantages for media diversity and popularity. Another equally pressing challenge in the media diverse establishment is that access to classified and protected information cannot be challenged in court due to the current draft bill Access to Information which has not yet been operationalised because of loopholes that need to be amended. The current delay is mostly affecting the media journalists to be given maximum rights to what they can investigate and report in the interest of the Namibian citizen mostly maladministration, corrupt activities and demise of human rights declared in the constitution of the country.

Several implications with these delays will lead to retrenchment of journalists and loss of income for media houses as current laws disadvantaging the media house into the unfair competition, particularly the state-funded and administered media. The attacks and the growing criticism by the senior Namibian politicians continue to border on how basically media diversity and independence is, the quality of the legislative framework, and the safety of journalists are concerned (Keulder, 2020). According to Reporters Without Borders (2019), the positionality media as a watch on the operation of the government is described as freedom with realism but frequent threats by the state. The threat of media freedom is most on citizens who are not fully supporting pluralism from government interference (Keulder, 2020). The effectiveness and media ethical reporting are at risk for now as social media becomes the hub of scattering fake news and bigotry (Keulder, 2020). If the legislative frameworks are strengthened then automatically it will create a positive environment for media to be protected against fake news, hate speech, and even info or sentiments that the government condemns.

2.7 Challenges and Implications in Accessing Information

Generally, there are still challenges in accessing information in Namibia as Daniel (2010) contends that “in practice, public information is difficult to access by journalists and ordinary members of the public” (p.3). Another challenge that has been a problem in the past was to access government websites of various ministries that were not consistently updated as they were supposed to provide the public

with relevant up to date information according to the African Media Barometer for Namibia (as cited in Daniels (2010, p.2).

The advice given by Daniels is that “citizens in Namibia should be more active in demanding access to information legislation, because ultimately our present circumstances, decisions and the wellbeing of future generations depend on what we know now and how we use such information and knowledge (p.4).” Another challenge experienced with media is the intensification and collapse of several media establishments since independence (Larsen, 2007). Media experience hardship while some die a natural death and many have closed down due to legal challenges and some due to endless competition from well-established media houses and some due to lack of experience and economic accountability to mention a few (p.2).” Many challenges and implications developed stemmed from a few variables and Larsen (2007) argue that:

Namibia relies heavily on outdated laws as such there is a need for new laws, as of now although new acts and policies are in draft forms there is an obstacle to the development of a healthy Namibian media environment. Besides, legal shortcoming has ramification and harms to the harmonious relationship between the state and the media which lead to lack of access to information legislation as well as uncertainty.

As such the press freedom and freedom of expression enshrined in the constitution might be subjectively misinterpreted rather than reaching objectivity through enacting new legislative laws that will create enabling environment, to promote press freedom where suppression of media freedom, citizen’s access to information without legal implications and rights denied.

An unpublished media audit facilitated by Frederich Ebert Stiftung in 2005 (as cited in Larsen, 2007, p.22) indicated that “many Namibian policies and laws are not in compliance with the provisions and guidelines of SADC Protocols and Declarations.” If these have not changed yet, then it remains a point

of concern whether the state do audit/review its policies, protocols, and declarations if they are enforced. The media can be very observant in the sense that certain regulations, laws, and Acts are affecting the model of operant within the country that is democratically governed.

Another challenge identified by Nakuta and Mnubi-Mchombu (2013) is whether the right to access information is not explicitly guaranteed in the Namibian Constitution but is claimable through article 144 since Namibia complied and/or sanctioned various international human rights instruments which provide for this right. This challenge is aggravated by the fact that although Namibia rectified the international human rights instruments, protocols and declarations there is still check and balance missing at the government level to see to it that the rectifications of the said international human rights instruments are adhered to.

A classic example is of the government ability to withhold information from the public deemed as classified using various outdated policy/laws/regulations from the apartheid dispensation government instead of speeding up the Access to Information Bill to be passed. While also analyzing findings of the pilot study of the baseline study on human rights in Namibia with that of the main study with a specific focus on the theme dealing with access to information, (Nakuta and Mnubi-Mchombu, 2013) list challenges experienced by respondents such as; the Use of libraries as a source for accessing public information, distance to government departments and rude members of staff/poor service delivery were listed as the main barriers to accessing public information, outdated website content as another major barrier as well as too much bureaucracy was also one of the impediments to government information (pp. 334-335).

Similarly, the livelihood of citizens in the country is affected by the decision's government make, it is without a doubt significant for the government to open to the general members of the public to access to information. Fleischner, Mesbah, Mendel and Daniels (as cited in Nakuta and Mnubi-Mchombu,

2013, p.335) recommend that access to information about government decisions, data, policies, legislation and research findings are imperative because it distresses every citizen in society, henceforth without such access they cannot participate in a democratic domain if they are not well informed of the decisions taken by the government.

A study by Links, Fikameni, & Hasheela (2017, p.6) indicated a lot of obstacles that media houses face to get access to information that is sometimes government classified and not for public knowledge.

The study further provided some statistical indicated as follows:

80% of organizations and institutions could not respond or provide information, on the other hand, 60% of targets did not also give the information requested, almost 85% of the Public Enterprises approached for information were unresponsive, this show contradiction on improving transparency, the flow of information, transparency and accountability. Similarly, 75% on the level of unresponsiveness by government department bring a lot of worries, with 85 % of no response from all regional structure and only Erongo responded to the questions asked.

Fikameni, & Hasheela (2017) further noted that the fact that almost 80% of private companies did not respond, suspended the information requested or did not have such information available suggests that transparency is also not a priority for the Namibian private sector.

The information provided above shows that there is no freedom or the free flow of information from various institutions including the public and private sector to the media. Such denial stands a challenge if media get tipped of news that has public interest from any institution, media will be sued if they happen to publish unverified information. Such clandestine activities of low transparency create a huge gap between access to information and the institutions' policies on channelling information to the public.

Another study conducted by Larsen (2007) discovered that outdated acts have eventually become a stumbling block in conformity with its laws to international protocols and frameworks. The researcher does agree that the media environment has become hostile with the fact that, media freedom is not

enjoyable as it is supposed to be. The repealing and drafting of policies and laws is a prolonged process which as a result has deteriorated media practice and “the healthy Namibian media environment” (Larsen, 2007, p2). An unpublished audit report by Frederich Ebert Stiftung in 2005 has indicated that Namibian policies and laws are not amenable to the statutory in the “provisions” and “guidelines” of SADC Protocols and Declarations (Larsen, 2007, p.2). Equal, free access to information is not a privilege but a human rights issue to citizens including those in rural Namibia deepest and remotest area of the country (Larsen, 2007). However, what limit accesses to information remain but the question; is the environment through which media operate conducive and supportive? The other question has to do with journalists, what legal restrictions are applied and blocked? Do the public have access to and be able to freely choose between a wide range of media? Are journalists allowed to have the freedom to express themselves publicly without political or commercial interference? Such questions beg for answers to find out how much has been done to prepare media ethics. Challenges are a chain of obstacles that block flow and platform between various media be it state media and private media.

Another aspect one can look at with “access” as lenses to analyse critically is “censorship” and “outright bans” of media and practitioners remain central restraining of rights to freedom of speech and expression UNESCO (as cited in Remmert, 2019). Literary, there are certain aspects of media freedom taken away with regards to the Access to Information Bill which is before parliament and the bill should address that problem. The freedom that media house must thrive on should allow journalists to dig or search for specific information that is pressing or burning issues in the public to an extent that, the “right to privacy and confidentiality for citizens and media workers” UNESCO (as cited in Remmert, 2019, p.8) are strictly respected without prejudice or pressure from the state. Freedom to choose on the content of news to provide for instance opinions on worldview with regards to political, religious, cultural, tribal, ethnicity and social aspect of the livelihood people in Namibia remain central to the idea of media freedom and independence and as such must be protected and safeguarded (Remmert, 2019).

2.8 Theoretical framework: Four normative theories of the press

This study is underpinned by normative press theories. The normative theories of the press are described as the framework that guides how the press is conducted in the democratic state. It then provided some of the conditions that need to be set aside as far as the press can functions. These theories outline what the state must do in their sphere of the domain of socio-political structures.

2.8.1. Authoritarian Theory

Authoritarian theory of press The authoritarian theory assumes that the theory plays a significant role in media by government, elites or simply authorities (Bajracharya, 2018). In this case, the media is not permitted to condemn the powerful people or the government on how they conduct the administration of the country whether right or wrong (Saqib, 2014). There is suppression by the government on condemnations and other things deleteriously represented about them (Saqib, 2014).

Equally, accreditation of media, penalties and content approval is another aspect considered, which could mean that they implementing certain policies to suppress full freedom of the press (Bajracharya, 2018). In that context, this form of media government will not be appropriate to our governance system in Namibia since it suppresses the independence of the press. Namibia with a vibrant democracy will be a subjective matter through authoritarian theory if allowed and applied to a country that is already segregated, with media suppression during apartheid laws. Media is perceived to serve the interest of authorities and the state. The reason given as to why it is done is “to achieve social order” (Bajracharya, 2018, par.5).

Part of this theory is that it establishes agendas and propaganda at the same time ignore and disregard what people needs (Bajracharya, 2018). “The press in Bhutan can be taken as an example of authoritarian theory in practice” (Bajracharya, 2018, par.6). Moreover, censorship is a worse form of government that try to control and impose a restriction on citizens with the views to suppress their freedom of speech. In some countries, freedom of speech is enshrined in the constitution as such

authoritarian theory will not apply to the media environment that can promote democracy and rule of law. Besides, Namibia has signed several international protocols and an African charter on media freedom, pluralism, independence, and non-interference with media information dissemination unless the media is not adhering to a specific code of conduct for journalism.

According to Bajracharya (2018, p.2) the other issue associated with this theory is censorship that categorized into 5 censors such as

Political censor:

- In Namibia, this could mean that, at a political level, there could be some form of restrictions that will determine how much information need to be available to the public. A case in point is the Acts in place as a form of legislation that regulates media mode of Operandi like the Protection of Information Act, Act 84 of 1982 and Public Service Act, Act 13 of 1995 as secrecy laws. This is quite a form of censorship that restricts information from reach the public if is confidential or classified.

Moral censor:

- Our Constitution has made it possible for Namibia to be a secular state where religious practice is respected not to relies more upon one form of religion. As there is little knowledge of the existence of moral censor.
- Religious censor
Lately, there is little or no knowledge of religious censorship because all faiths and beliefs are allowed to be practised in Namibia. Unless there are specific cases whereby these faiths and believers have transgressed certain provisions within the laws of the state on governances.
- Military censor
Namibia is a signatory to several international protocols which includes arbitrary deprivation of life and other unlawful or politically motivated killings, arbitrary arrest or detention, torture

and other cruel, inhuman or degrading treatment or punishment, disappearance etc.

Therefore, the 2018 Country Reports on Human Rights Practices: Namibia did not find any of the gross violations of such conduct in its report.

- Corporate censor

No evidence of such censorship reported

One of the reasons that some governments cling to this form of restriction is because of their self-styled governance where rulers and authorities want to spare themselves from sensitive issues through censorship (Saqib, 2014).

2.8.2. Libertarian or Free Press Theory

Libertarian theory was originally formed as opposed to authoritarian theory (Bajracharya, 2018). With press has given more freedom and people intricate and taken to be “conscience and intellectual” (Bajracharya, 2018). They are believed to have the aptitude to dig out actuality from fabrication (Bajracharya, 2018). Besides, the public rendezvous assisted members of the public to have trust in their form of government (Saqib, 2014). People were given a lot of press freedom and there was little to no government control over the press (Saqib, 2014). “Laissez-faire” approach was used” (Bajracharya, 2018, par.9). Also, “liberalism means information is knowledge and knowledge are power” (Saqib, 2014, p.3). In this case, the press is in a powerful position to disseminate information that is a powerful tool to learn new knowledge. The citizens who will be informed through media are similarly in a powerful position to make informed decisions about their future. Saqib (2014, p.3) argues that “libertarianism is free from any authority or any control or censorship.” Censorship might lead to a corrupt state and decay of moral justice (Saqib, 2014). Henceforth libertarian of a competitive environment for media (Saqib, 2014).

The media can critique the government and work as “gatekeepers or watchdogs for the society” (Bajracharya, 2018, par. 10). In our case, Namibian media serve many purposes as such, it requires the

government to be transparent and to have an open-door policy. The government sometimes smokescreen classified information, this may not fit well with libel because there is uncertainty whether the government is trying to keep secrets subjected to regulation like acts or laws. Even censorship of information and control of the press by the government to kill what it meant for a democratic state upon which we want to embrace ourselves. This form of principle disregarded concealment and mostly controlled for “capitalism”. “An example of it was the U.S. adopting it after the declaration of independence” (Bajracharya, 2018, par.10).

2.8.3. Social Responsibility Theory

In social responsibility theory, the press is allowed to have the self-determination to print or broadcast in whatsoever way, nevertheless, they must act responsibly with actions (Bajracharya, 2018). “The main role of the press is to help preserve and growth of democracy” (Bajracharya, 2018, par.11). Procedures and conventions in Social Responsibility Theory make the press perform in a responsible manner (Bajracharya, 2018). The principles associated with Social Responsibility make the kind of media environment that will strive in a Namibian context; therefore, this study will be guided by the social responsibility theory.

Some government has some level of control through a certain degree of censorship when it is necessary, especially in the case of that may be perceived incongruous for democracy and social order (Eldridge & Steel, 2016). News consumers are enlightened and are responsible for contextualising content from the press and in order to take the right steps (Bajracharya, 2018). In that way, the government will be more accountable if the citizens who voted them into power are responsible to understand make a judgement on the kind of information about specific government policy or program. On one hand, “government cannot intrude media as per its will,” on the other hand, media is taken to be a spokesperson of the poor and marginalized as well as provides diverse views/perspectives” (Bajracharya, 2018, par.12).

However, this form of system disregards corporations rather than use the press “for commercialization and profit” (Bajracharya, 2018, par.14). This form of system is mostly “found in most European countries and other countries under European influence around the world nowadays and particular colonized countries in Africa. Although this does not mean all African countries subscribe to the Social Responsibility Theory” (Bajracharya, 2018, par.16). For instance, Namibia was under the influence of Germany and the Dutch colonial government and the South African apartheid system and developed its legal matters on basis of press freedom, however at some point, there was the mistreatment of journalists in the apartheid governance system.

2.8.4. Communist Theory

Communist theory is well known as the “Soviet Theory” originates from the then Soviet Union after the Russian Revolution of 1917 (Bajracharya, 2018). The focal role of media within the communist theory is to endorse communism and accomplish communist goals (Ostini and Fung, 2002). Communist power councils oversee the media. Data is controlled and is utilised to improve people’s abilities and achieve their rudimentary essentials (Eldridge and Steel, 2016). “The target population is the working-class people” (Bajracharya, 2018, par.14). It inclines toward liberal than authoritarian theory on information contained in the press (Bajracharya, 2018). Media is independent and there is no censorship (Eldridge and Steel, 2016). This theory is an example of how the press operates in China (Bajracharya, 2018).

For this study, the theory that will be applicable is the Social Responsibility theory because it aligns with what the study aims to achieve. The social responsibility theory advocates for the moral obligation of the media to society (Ostini and Fung, 2002).

Our media ought to be prudent and provide a moral compass to society by informing the nation credibly and ethically. It is, however, deplorable to witness media harassment from the state, thus Social Responsibility seems to provide a clear direction to the scholars in the field of media and journalism study. The government in most cases does withhold information from reaching the public

through various Acts and constitutional Article, contrary to that the media fraternity through the Media Institute of Southern Africa (MISA) has been advocating for the drafting of the Freedom of Information Bill finalization and gazette for media to have a levelled playing field.

However, it is regrettable to argue that the Namibian government has on numerous occasions tried to block information from access by the members of the public. It is in the interest of the citizens that the government must work, therefore by defying the existing laws and refusing to create enabling laws that will allow media to report the news without fear or favours of legal ramification, though this it will restore the confidence that the public put in their leaders. Good governance, transparency, accountability and general public roles in the democratic institutions of the country can only be judge through the efforts of the government when allowing media to access information that will enable the citizens to make an informed decision. It is on that basis; the normative dimensions permit the scholars and researchers to theories in the media and journalism field of study to have access to the right framework.

By far, the most interesting link made is that media roles in society are associated with various “political systems and philosophies.” What they are advancing is that mass media communication considering the “explicit analysis” used in how the press related to social norms such as political values, professional ethics, and intellectual history.” Contextually, in Namibia, press freedom and mass media communication although highly valued by the democratic principles uphold in the constitution of the country there are shortcomings as far as political values, professional ethics and intellectual history are concerns. What remains controversial also is that, even though mass media is supposed to link media and politics, evidence reveal that, developing scholarship indicates that, “had little to offer, and therefore even a casual collection of essays found a niche and became in its way a classic” Christians, Glasser, McQuail, Nordenstreng, White (2009,p.4). In the same article by Christians et al (2009), there seems to be an intellectual gap identified between the academic study of

communication and professional practice. In a nutshell, although journalists are supposed to do their works based on the code of ethics in reporting news be it documentaries, investigative journalism or general national of interest, there are still political influences that are sometimes linked to issues under investigation. Therefore, media and politics are two different domains that work independently, when the two are mixed up it create contradictions and bias opinions.

On one hand, media freedom cannot be a guarantee in a country where laws are not debated and given the benefit of the doubt. The media is supposed to be the custodian of promoting freedom of speech, accountability, economic transformation and enhancing the democratic environment. The advocacy of normative criteria concentrated more on what are the assumptions. For example, they assume that the public demand journalism to accomplish definite functions as results, pointing to the “public an idealized” and “largely unquestioned set of normative claims” Eldridge & Steel (2016, p.6). On the other hand, normative theories assumed that institutions were stuffed with politics than individuals, thereafter it turns out to be that press became institutions that have the power to degenerate discussion on the public’s rights which include the right to know and the right to express opinions and views. In nutshell, the press becomes an institution with responsibilities to disseminate the information rather than having a right that the public has. Having said that, the press plurality and the power to defend its positions remain one of their bases to use information in becoming a powerful institution of democracy. During the apartheid system of governance in Namibia, the Namibia newspaper had a powerful position in the society where the dissemination of information on the abuse of human rights featured prominently in their news articles appeared controversial to the regime in power. As a result, it led to the arrests of the Namibian journalists for contravening the apartheid laws.

Apart from the normative assumptions, recent studies have explored blind spots associated with normativity in journalism studies (Ryan, 2019). These blind spots are two; firstly, one is digital

journalism literature that has shifted the field away from what is expected from journalism as per people's demand (Ryan, 2019). Besides, it bargains for a more trivial-theorized techno-centric formation of journalism's societal objectives; secondly, too much emphasis on reporting has led to privileged specific practices of journalism above others and led to a squeaky commencement of journalistic normativity (Ryan, 2019).

The central argument so far is related to normative ideals which are by far distant from normative assumptions. The growing criticism focus on what journalism democratic imperative is all about, with the notion that both critics and those who are supportive of the idealized notions have their agenda when it comes to the Fourth Estate (Eldridge & Steel, 2016). In their criticism, the argument is that journalism is not engaged with its public audiences; therefore, it does not represent the interest of the public but focuses on the market's expectations and demand (Petley as cited in Eldridge & Steel, 2016, p.818). On one hand, an idealized version of journalism's societal part undertaken as results is evaluated based on the same normative criteria it claimed to meet, on the other hand, it is also reported that journalism cannot live up to the public expectation of criteria they are assessed on (Muhlmann as cited in Eldridge & Steel, 2016, p.818).

Normative criteria can better serve the public who have an interest in the news dissemination of information. It is in the public interest that members want their needs and interests satisfied by the press. However, sometimes where expectations not met becomes a hostile situation. To close the argument, our findings suggest, and further study will "explore, that the normative ideals expressed by both journalism practitioners and their critics do not resonate with those members of the communities who they purportedly serve" (Eldridge & Steel, 2016, p.24).

An ideal concept of Social Responsibility upon which this study anchored and has strongly emphasized more on democracy. What does democracy in press freedom entail? To capitalize on this, this means

that democracy is used as a tool to achieve cohesiveness and the rule of laws applied by many participating individuals. Besides, the ideal condition through which democracy can thrive is when equality and liberty co-exist. Christians et al (2009, p.93) defined equality and liberty as follow; “Equality implies identical or substantively similar opportunities to participate in the decision-making processes through which the people rule themselves— everyone gets to vote, for example, and one vote is worth no more than another. Liberty denotes the right of mutual influence—freedom of communication, for example, affords everyone, speakers, and listeners alike, the benefits of uncoerced debate and discussion.

In Namibia, the lack of equality and liberty in the press is revealed in many ways although it is not outright to say there is no equality or liberty. To a certain extent, equality cannot achieve where sometimes you find the state select which media house to attend for instance the press conference /briefing. It is also questionable as to why some government officials are not at liberty to exercise their democratic rights to exercise certain rights to express their opinions without being scolded by their superiors. There are instances where if a member of the cabinet speaks their minds on a matter of national interest they are reprimanded by the president. If people cannot participate in the decision-making process through which people, make a ruling then it automatically means that the press is not fulfilling its responsibilities. Media should be at the forefront of advancing agendas that promote liberty, where citizens have the right to voice their concerns or at liberty to consciously side on the issue of interest. Information that is trustworthy, relevant, and coupled with diverse updated opinions strengthened democracy (Christians et al, 2009).

Democracy may seem not valued in certain instances, however, democracy plays a role when it comes to citizens that can differ from elected officials for various reasons such as experience and expertise in how they handle the micro and macro matter at decision making bodies (Christians et al, 2009). There is however a gap identified that is idealism and what is expected (Eldridge and Steel, 2016).

What this means is that “when it comes to journalism’s idealized role perceptions and the normative expectations of a Fourth Estate, there were not very high expectations of journalism to perform these roles at all (Eldridge & Steel, 2016, p.824). Moreover, democracy without pluralism does not reflect the norm and the value that represent the “freedom of choice individuals enjoy as they decide how and when to come together to pursue their shared interests and goals” (Eldridge & Steel, 2016, p.824).

Table: Models of Democracy adopted from Christians et al, 2009, p.97 explain in detail the models of democracy regarding the adaptation of theories liberal vs republic. The components deeply explain pluralism, administrative, civic, and direct applied considering the sovereignty, civic society, liberty, equality, public opinions, community, and journalism are permitted and expressed. The model is relevant to the study to help with the analysis of normative theory as well as to compare what social responsibility theory is in consideration to the objectives of the study in understanding press freedom without too much interference from the state.

2.9 Positionality with Social Responsibility theory

This study is guided by the Social Responsibility theory in the sense that, it creates a media enabling environment where independence, diversity or pluralism, information quality, social and cultural order are practised without bigotries. Media freedom and total independence of the press remain a critical component and the pillar of the Harambee Prosperity Plan [HPP] as well as the National Development Plan (NDP 1-5), however, it will present a degenerate regime where dictatorship is allowed to muzzle the independence of media. Namibia was founded on the principles pillars of democracy where the government is established by the people for the people should be allowed to create enabling policies and laws for the sake of democracy to flourish. It remains to be seen whether these laws and policies for the sake of the operations of government are truly serving the needs and aspirations of the citizens. Henceforth media stand in between the state and the citizens to be informed but not to be misinformed.

There are several cases whereby media attempt to inform the public on the operations of government but those in positions of authority in government try to silence the media practitioners different. Take for instance where the government in the past has banned the Namibian Newspaper for its sharp critics on openness and transparency. Other cases involve the Patriot journalist who was doing investigative journalism on the case of the Namibia Central Intelligence Services [NCIS] over its purchase of the dubious farm, where NCIS try to stop the Patriot from not publishing such article as NCIS deemed it controversial and a threat to state security. The matter was referred to a court in which the Patriot journalist won the case (Global Freedom of Expression, n.d).

In a country where the government is declared to be democratic and the rule of law is upheld, the state must be freely promoting press freedom and such our ranking in press freedom should improve. At times, governments try to withhold information to the public especially, by regulating what information to give to the media. Like now, the Fishrot case that is currently before the court, we have witnessed information deprived of the media on the initial investigation of the case (Haufiku & Mongudhi, 2020). Up to this stage, information on how money was siphoned from the State Company Fishcor remain with the lawyers' firm which is implicated in several reports by the Namibian newspaper since 2012 and Al Jazeera investigative journalism which revealed the secrecy in the corrupt activities (Haufiku & Mongudhi, 2020). All the above case scenario paints the government to be corrupted by individuals who want to serve themselves rather than the citizens who voted them into power. Considering the above, there are mismatches in terms of policies that govern the media in Namibia where the state claim that media should be independent however, contrary to what they practice is the opposite.

In short, the study of normative theories provides more lucidity of the study as far as the role of media in disseminating information to the public and how the state in choosing the particular theory could have an impact on how media operate. Leaving aside such differences, we can still find a good deal of agreement about the principles that should be advanced or respected by mainstream media in

countries that seek to follow the liberal/democratic model of a media system. Throughout the analysis of the normative, disagreement is found mainly over how the principles can be achieved (e.g. by regulation, self-regulation, or market forces). The main principles stated as follows:

- Independence:

The media should be free to follow their chosen cultural and informational objectives, without undue pressure or limitation from interests other than those of their chosen audiences (especially not pressured from government, business, pressure groups and propagandists). Independence is a necessary condition for playing a critical and creative role in society. Although media is provided with different degrees of autonomy, state interference in how media disseminate information can be distorted by the fact that theory may be in use and infringe on how media conduct its affairs.

- Diversity or pluralism:

There should be a wide variety of media in terms of culture, information, and ideas. People should be able to choose from a wide range of alternatives according to their different needs, points of view, beliefs, and tastes. For this to achieve there needs to be a diversity of ownership and real opportunities for access to all main voices and interests in society.

- Information quality:

The news and information made available to the public by the media should be of a high standard of quality, in the sense that it aims at the truth and is extensive, trustworthy, professional, accurate, relevant and balanced (diversity again).

- Social and cultural order:

There are expectations that the media will not deliberately offend the basic norms of their society (by encouraging crime, for instance, or subverting a legitimate political system) and that they will make a positive contribution to the maintenance of national and minority languages and cultures.

Some of these principles are potentially in conflict with each other (for instance, freedom versus order, majority cultural values versus those of minorities). One of the aims of media regulation is to manage such tensions and mediate conflicts.

- Social responsibility

The theory which forms the bases upon which this study is guided on reflecting deeper at on the following; (found more in Europe and countries under European influence) is a reformed form of free press theory putting superior stress upon the “accountability” of the media (particularly dissemination) to society (Bajracharya, 2018). Media are unrestricted nonetheless they ought to admit responsibilities to serve the public good (Bajracharya, 2018). In other words, the media must ensure that “compliance” with “obligations” can be either via specialized self-regulation or public intercession (or both). Considering the above, this study is anchored in this theory to gain an in-depth analysis and enable greater interpretation. Social responsibility provides greater opportunity for press freedom however, with freedom comes the great responsibility of complying with certain regulations put up in a place by the authority.

In nutshell, the normative theories elaborate in detail how the media operation is controlled by the different government systems. Each of these theories has certain conditions applied to media ethics and code of conduct. In some country’s media act as a watchdog, while others become the propaganda of the state to disseminate fake news or cover what the state wants the citizens to need to know. In a democratic state like Namibia where check and balance apply there are few things that media must be able to accomplish such as transparency accuracy and reporting fairly and unbiased. Henceforth this study considered social responsibility as the theory likely in line with the objectives of the study and by analysing the finding and interpretations of the findings, the researcher is likely to make a remarkable recommendation.

2.10 Summary

This chapter summarises a literature related review on the topic and trying to answer the research question from the perspectives of various authors as well as the theory selected for this study. It addressed the legal framework in which these media platforms are operating introspected and the implication of some like Access to Information Bill. What are those legislative pieces? To what extent

do they allow media freedom and access to information by the citizens? And in the absence of the bill in question, how do these media outlets operate? What are the challenges they face, etc?

CHAPTER 3:

RESEARCH METHODOLOGY

3.0 Introduction

Research methodology refers to the method by which the researcher indicates how data is gathered for a research project. This chapter highlights the research design and methodology employed in the study. The research design comprises the research approach, which is qualitative, the paradigm, the inductive study, the population, the sample, data collection, data analysis, validity and reliability concerns and ethical consideration.

3.1. Research design

Creswell (2014:141) suggests that a research design is a complete tactic that is employed to conduct research. The research design provided the layout of every step that the research followed in obtaining the data and how the data will be made use of upon collection (Creswell, 2014). This specific area sheds some light with regards to the research methodology to be used late within the research itself. Bertram & Christiansen (2015) explained that a case study is the interpretation of the experience encountered by people and their understanding of a certain event. Creswell (2014) provided a guiding framework for what is termed conditions of a research design as being small, qualitative, or quantitative, is a continuous process, covers a significant amount of time and is based upon the social unit. Vernon and Brian (2013) emphasize the importance of the use of a case study within research as the campus and guide when conducting research.

Bertram & Christiansen (2015) opined that the research design is a plan of how the researcher will systematically collect and analyse the data that is needed to answer the research questions. This research design is embedded in phenomenological theory. Copper and Schindler (2003) observe that research design is the blueprint for the collection, measurement, and analysis of data to achieve the objectives of a research project. Moreover, Saunders, Lewis, and Thornhill (2009) claim that research

quality has much impact based on the researcher' methodological approach. Henceforth, the researcher intends to increase an in-depth analysis of the role of the media in democratic Namibia:

3.2. Research paradigm

The major paradigms are *critical, interpretivism and positivism*. The difference between major paradigms is that positivism which has to do with single, true, and apprehensible (Tracy, 2013). According to Woldemariam (2020) ontology is particularly look at the nature of reality. This study demonstrated subjectivist ontology, underscoring the magnitude of the starring role of the social actors' in modelling the course of the study. Blaxter, Hughes and Tight (2010, p. 61) describe interpretations of the social world as 'culturally derived and historically situated.

On one hand, interpretivism is socially constructed, on the other, it is constructed through power relations and shaped over history (Tracy, 2013). According to Stapleton (2013), constructivism is an approach to learning where people construct their knowledge to find the reality of the world based on their experiences. Positivism refers to facts of knowledge which is observable, quantifiable, and statistical analysis (Zukauskas & Vveinhardt, 2018). In conducting this research, the interpretivism approach was adopted. Interpretivism is an epistemology that advocates that the researcher must understand the differences between humans in our role as social actors according to Saunders, et al (2009, p. 129).

The approach of epistemology in terms of philosophical assumptions underpinned for this study for numerous reasons; knowledge is extracted from belief (Blaikie, 1993). Besides, is mentioned all aspects of the validity, scope, and methods of acquiring knowledge, such as:

- a) what constitutes a knowledge claim.
- b) how can knowledge be acquired or produced; and
- c) how to the extent of its transferability can be assessed.

Moreover, epistemology has to do with how knowledge is created and what is possible to know (Woldemariam, 2020).

According to Woldemariam (2020), some researchers use an interpretive lens because they want to advocate for a correction to the marginalization of underrepresented groups or societal problems. Within epistemology, interpretivism mainly looks at the details of a situation, a reality behind these details and subjective meanings motivating actions' (Saunders et al. 2009, p. 119). Contextually, epistemological stance means that participants like editors and journalists in the study are the people individually (members of the media professions) who hold interpretation about the world in a different way.

Weber (as cited in Blaxter, Hughes and Tight, 2010, p. 62) refers to social sciences as being 'concerned with thoughtfulness rather than justification which shapes the foundation of pursuing causal explanations. For this study, it aimed to advance an understanding of the current role of the media in democratic Namibia: a case study of the Access to information bill to influence how media can play role in the dissemination of information's in line with the country's policies and legislation in place, as professed by the foremost stakeholders, it has proven an interpretive approach.

3.3. Research approach

An inductive approach was employed, in which data were collected to develop a theory as a result of data analysis, therefore this approach is interested in the framework in which incidents take place (Saunders et al, 2009). In other words, an inductive approach allows room for generalisation submission to be concluded from explicit examples or context. For this study, the researcher used a *qualitative method* of research design with the frameworks of both interpretative and descriptive traditions. A qualitative and descriptive research design was used for this research because it is flexible, and a lot of information was gathered during the research. The researcher chose this method because a qualitative case study is an empirical inquiry.

3.5. Research setting

The study took place in Windhoek where several media houses are located and are accessible by the researcher and be able to book interviews with the participants selected for this study.

3.6. Study population and sampling

Rowley (2015) defined a population as an entire group or society on which research is to be conducted. Copper and Schinder (2003) suggested that a research population constitutes all the facets of research upon which the results of the study was generalized. The target population was over 100 journalists and editors from three print media in Windhoek namely The Namibian, Namibian Sun and New Era newspapers. According to Ben-Shlomo, Brookes & Hickman (2013), sampling is a method that permits researchers to infer information about a population based on results from a subset of the population, without having to investigate every individual. The researcher used “Judgement (Purposive) sampling” to choose respondents (editors and journalists) because it gave the researcher opportunity to save time at the same time cost-effective. A judgement (or purposive) sampling was employed to select journalists and editors from 3 different print media houses, namely, *The Namibian newspaper, the Namibian Sun newspaper and the New Era newspaper*.

The researcher selected 10 participants from preferred media houses for interviews. 7 journalists and one editor from 3 different print media (*The Namibian, Namibian Sun and New Era*) sampled for this study. The participants for this study were chosen based on their experience in the media industry, knowledge and understanding of the Access to Information Bill, which is before Parliament in a draft form. These criteria applied based on the publication they made about the bill in their media houses.

3.8. Data collection

The semi-structured interview was employed during the study in collecting information from participants. According to Creswell (2014), an interview is a two-way conversation in which the interviewer asks the participant questions and learns about the ideas, beliefs, views, opinions, and behaviours of the participant. This study employed semi-structured interviews with open-ended questions so that the participants might share their experiences. With the semi-structured interview,

interviewers get an opportunity to raise their views regarding subjects that is descriptive. It also helps the participants to convey and disclose information regarded as relevant to the topic. The interview took place in December of 2020 with participants selected for this study at their respective media (*the Namibian, New Era and Namibian Sun*) houses respectively. The interview with each participant lasted approximately 30 minutes which took almost 3 weeks to be completed. The researcher was more interested in findings out information related to stakeholders' views on the implications of the delayed enactment of the Access to Information Bill on media reporting in Namibia and the inputs of the participants selected for this study.

During the interview, this semi-structured approach also allows the interviewer to ask follow-up questions to generate even more data and to elaborate on points of interest. All interviews were recorded using a voice recorder, which gave the researcher the flexibility and the opportunity to deeply probe the individual journalists and editors' knowledge on the Access to information bill delayed enactment. The participants were chosen and selected based on their involvement in the Access to Information Bills so far as at either media house, the bill was reported on.

3.9. Data analysis

Data analysis entails categorizing, ordering, manipulating, summarizing, accounting for as well as the explanation of gathered data (Brink, 2017). Non-numeric data need to be collected in words and the words a put into themes for purposes of analysis. To do so codes are assigned to each theme for meaning to be developed for analysis (Braun & Clarke, 2007). The researcher then used the information in the literature review to analyse and discuss the findings of the study (Ader, 2008).

Data was collected through an audio recording as well as transcribed and information collected was shared with the participants for verification and cleansing. Mugenda (2015) states that such data must be rinsed out, coded, and key-punched into a computer, analysed and the computer was kept in a safe place. In other words, data was first organized using the computer to transcribe the data obtained through verbatim expression from the participants. The researcher played the audio on the computer while using the software for transcribing words in audio into written form and also to keep data safe

computer was used to save the data and the documents transcribed into a memory stick. It is from the marks of such analysis that researchers can make sense of the data. The qualitative data was first prearranged into themes corresponding to the study objectives. The data was then coded into descriptive codes and a descriptive data technique was used to analyse the data. The data collected from the interview was transcribed and analysed in terms of emerging themes through the process of multiple readings and engagement.

3.10. Ethical considerations

Creswell (2014) believes that ethics is the number one consideration when conducting academic research, otherwise, they are not the point of even going thus far to conduct one. This research was no exception as the research had to follow all the laid down ethical standards in academic research. Ethical issues within the research have not only become a necessity but a prerequisite when collecting data from a research study. Research has to be sanctioned and permission to conduct the research must be obtained from both the institution in which the study was sanctioned and the institutions in which the study was conducted and this was achieved during the research. In making sure that there was adherence to ethical issues, every source of information used in the study was acknowledged and correctly references from where the information was obtained.

Before data collection took place, the researcher obtained a letter of request to research from the Namibia University of Science and Technology (NUST) to deliver it to the media house for consent. Once given the green light, the researcher then approached media houses and other applicable institutions where data collection took place.

The researcher then presented the letter and consent forms to the editors and journalists sampled from the media houses before the actual data collection begins. The researcher met the selected participants and briefed them on how and why they are selected to participate in the study. Issues of confidentiality for all participants was highly protected. Before the collection of the data, the researcher made sure that the participants are fully briefed with information about the aims and the

purpose of the study and they were assured that their participation in the study was voluntary. All Participants were treated with dignity, and their rights were protected. Individuals were asked to voluntarily participate in the study and signed a consent form. Since participation in this study was a voluntary exercise, no real names were revealed or used. The data that was collected was solely used for this study purposes only. For participants to have the freedom to participate and withdraw at any time the researcher asked to be granted consent from them.

Immediately after the media houses were selected, the participants gave the letter of permission to conduct the data collection at their institutions, the researcher proceeded to the individual journalists and editors and met them as possible participants for their consent and participation in the study.

In addition, the following ethical issues were considered:

a) Gaining access to the site

In the request, the researcher indicated the details of the research, its purpose and the participants who would be involved.

b) Protection from harm

Harm can be considered as an unfortunate event taking place as a result of one participating in research. It might be directly or indirectly be because of the research. Maree (2009) opines that when conducting research, there is a need to make sure that participants are safeguarded against harm directly because of the information provided for the research. To obtain this no names or identities were requested and participants were known to the person conducting the research only.

3.11. Validity and reliability

Nowadays trustworthiness is an integral part of research and if it fails to meet this requirement, it will not be relied upon as its credibility will be in doubt (Tracy 2020). Since validity and reliability could not be dealt with qualitatively as it is done quantitatively, the researcher had to work towards obtaining the trustworthiness of the research instruments being able to provide accurate data from participants which in return can answer the research objectives (Shenton, 2004). As a result, the researcher was guided by the need to obtain truthful information on which the trustworthiness of research could be

founded. To achieve this, an attempt was made during the research in trying to verify information obtained from participants. Maree (2013) mentioned that one key instrument factor obtained from the qualitative nature of research is reliability. In other words, it can be trusted and can be verified with facts. As a result, findings obtained from the study were presented in the chapter, because of information obtained in the data collection process. The researcher tried necessary to be independent and neutral during the research so that objectivity remains from not being biased towards a certain ideology or perceptive being given by the different participants.

Therefore, in this study findings and interpretations solely came from the collected data, and simple explanations were supported by evidence. The researcher avoided being bias so that the case did not embody or fulfil any of the researcher's suspicions, with selective data being used by spending extensive time in the field, use thick descriptions, seek feedback from others and member checking (Cohen, Manion & Morrison, 2018).

Furthermore, Cohen, Manion & Morrison (2018) refers to the degree to which empirical evidence and theoretical rationales support the adequacy and appropriateness of interpretations and actions based on the test score. Reliability, a test is seen as being reliable when it can be used by several different researchers under stable conditions with consistent results and the results are varying reliability reflects consistency and explicability over time (Cohen, Manion & Morrison, 2018). For this study, primary from various documents and newspapers as well as the interview that was conducted and was used as a check for validity and reliability. According to Brink (1993), validity and reliability help to assure that fellow researchers accept findings as credible and trustworthy, this is particularly important in the case where the researcher's subjectivity could be cloudily interpreted in data or findings are questionable by the various scientific community.

3.12 Limitations of the study

Time was a limiting factor for the research because most people are busy with their work and other commitment and data collection might likely be affected by that.

Participants might not be specifically interested in participating in the study or might not be willing to give full details of the answers to the questions of the research or just have a busy schedule to book within their free time. To ensure that time is saved, the researcher planned to develop the research instruments and then forwarded them to the supervisor for scrutiny and approval purposes. Similarly, this enabled the researcher to be advanced in finalizing when the research has been approved by the ethical committee. On the other hand, the researcher planned to talk to the interested participants as well who have actively engaged in the draft bill in parliament or recently have participated in public discourse on the Access to Information Bill.

Due to the worldwide pandemic Covid-19 virus, the government has put in place strict measures with regards to public health safety regulations, there are limitations when it comes to face to face interviews for the participants and the researcher approach. Therefore the researcher sought alternative strategies of conducting the recording telephonically with permission granted through a consent form by the participants and approval from the head of the media house approached.

3.13 Summary

This chapter presented the research methodology settings for study. In this respect, the research design has been explained. Sampling, together with the instruments used, was given. The methods of data analysis and ethical issues were outlined. Also, this chapter highlighted the population and the data collection procedure. Research methodology referred to the method by which the researcher indicated how data was gathered for a research project. This chapter highlighted and provided the research design and methodology employed in the study. The research design comprised the research method, which was qualitative, the inductive study, the approach, the population, the sample, data collection, data analysis. Furthermore, the chapter presented the methodology that was used in the research. Additionally, the preferability of qualitative approaches was also highlighted. Further, the chapter presented ethical issues that were taken into consideration during the study.

CHAPTER 4:

DATA PRESENTATION AND ANALYSIS

4.1 Introduction

This chapter presents and analyses the information gathered from the interviews. This chapter is divided into the following sections. Section 4.2 displays a detailed demographic of the participants. Section 4.3 provided the response rate, themes under the following subsections provide a detailed analysis and interpretation of the findings; Theme 1. The implications of the delay in the enactment of the Access to Information Bill on media in Namibia

Theme 2. Lobby from media practitioners for the finalisation of the Information Bill to be signed into law, Theme 3. Challenges faced by media house on disseminating information in line with the constitutional right to freedom of speech and press freedom, Theme 4. The roles of media in the cultural setting, Theme 5. Confidential information classified and its implication to press freedom, Theme 6. Government policies and laws towards journalists and media hostility as of censorship, Theme 7. Strategies to improve media relations with the government for the future development of the country and conclusion summarised the findings.

The first objective of the study sought to establish the role and responsibilities of the media. Based on this, the following were the main findings

4.2 The roles of media

Media plays a vital role when it comes to information dissemination. Several participants have shared some of the experiences as follow; J1 claimed that,

“media must inform the public about development, culture and promote environmental sustainability as well as climate change.”

J2 explained that,

“ the media is also concern with environmental issues, communities issues and other societal issues that affect the community, this includes global warming and climate change are important issues that media must pay attention to.”

On the other hand, literature echoed the same sentiment that modern democracy is dictated by rule of law that ensure that democracy means government by the people for the people. Modern democracy requires a proactive approach through media promoting diversity, pluralism, self-sufficiency, and independence (Larsen, 2007). Similarly, Larsen (2007) argues that media shape the climate of democratic debate help the establishment and maintenance of good governance. The media must be able to access public information to play a meaningful role in a contemporary democratic society (Remmert, 2019). Therefore, freedom of the press, including free access to information, freedom of speech, media independence and pluralism is fundamental to an open and democratic society (Remmert, 2019). Although findings indicate the roles played by media, the researcher think that much is not being done to signify and dignify the ethics of the journalism. The promotion of media pluralism play a critical role in strengthen participatory democracy

Like J1, J3 similarly claimed that the media plays a huge role in shaping society and cultural ways of life. She further said that the media can serve as a vehicle to explore new cultural ideologies and also serve as a platform to educate and empower others. A different view was also shared by J4 who said that journalists empower /public with information to make informed decisions. “It promotes sport culture and dissemination of information which can attract tourists and potential investors to the country by writing features doing documentaries” (J5) stated. Besides, the media is also concerned with the environment, technology and Sustainable Development Goal (SDG), vision 2030 in which they inform the people (J6). Another point raised during the interview with participant J7 is that the media keeps the nation informed about critical development that pertains to their livelihood and that of the future generation. On one hand, information accessible to everyone, leads society making informed decisions (Ed3). On the other, it educates, informs and entertain the masses. According to Ed1, media should cover communities initiative that will bring development such as climate change and technology for the people to develop their community.

Contrary, literature reviewed remark that In the past, during the apartheid rule in Namibia, media regulation, censorship, suppression, and restriction were in place (Larsen, 2007). Other forms of restrictions were sanctioned through laws and regulations set up like; “ubiquitous Internal Security Act and those governing defence, prisons, the police, as well as emergency regulations, severely restricted what journalists could report, publish, photograph, or record (Larsen, 2007, p.16).

Things started to change in the post-independence era whereby it boast of government necessity to replace some if not all laws that were not promoting democracy like “Protection of Information Act of 1982 (Act 84 of 1982)” that was trespassing on media freedoms, in return, for instance, new Acts of parliament were implemented. Press freedom was the main problem before the independence and most media such as radio, television and print were controlled by the apartheid regime. After the independence, the new government which took over in 1990, have sought the needed to implement constitutional reform in media and these were necessitated by the fact that even the outdated laws were to be appealed under the United Nation resolution 435 (Larsen, 2007).

The researcher is of the opinion that, the reform and speedy implementation of the enactment of The Access to Information Bill On media reporting In Namibia would undo the past injustice as well as promote the role of media in the society.

The second objective of the study sought to establish the legislative environment that affects the operations of the media in Namibia. Based on this, the following were the main findings;

4.2. Government policies and laws towards journalists, media hostility and censorship

Censorship, media environment hostility, legal challenges on policies and laws that compelled journalists to report with certain ethics adopted by MISA and other media forums standing as the regulatory framework. As such, there are strong arguments made by journalists on the governance policies and laws towards journalists and media hostility as of censorship. In contrast literature stated that, the ranking of Namibia seems to go against what participants have remarked and looks at the

following aspects; media pluralism and independence, media legislative framework, and the safety of journalists in addition to the quality of journalism in a country according to the Reporters Without Borders (RSF) how they evaluated Namibia for its current position in the world ranking (Oliveira, 2020). Now what seems to be obscured is that Afrobarometer ranking of Namibia in terms of media pluralism and independence, media legislative framework, and the safety of journalists in addition to the quality of journalism in a country sometimes does not take into consideration aspects mostly complained. For instance, J1 remarked that, when dealing with government officials, we have what we call “red tape” or bureaucracy these are formalities that we need to consider before we can obtain information. She continued to say that some ministries require us to email questions and they only answer them after several days, or some ministries require us to speak to their public relations officer who then needs to consult her/his officials to provide her with answers. This process is time-consuming and it frustrates journalists and creates hostility. J2 is of the view that, if the media law does not access certain information about government activities, it creates suspicions, therefore government must have an open-door policy to allow media to access and inform the nation.

According to J3, issues around the operations of the defence ministry have been kept secret for so many years and it is always a challenge for journalists to gain access to files and documents. Similarly, J4 admits the country still applies outdated laws to sue journalists for publishing reports that in itself infringe the constitutional rights provided to the media guarantee. On the other hand, J5 explained that the information bill on media reporting which is delayed gives those in power the right time to take legal action when the media are threatening to report on certain classified information. J6 argued that whenever there is a story to be covered it gets blocked or becoming old news while legal processes take place. In other words, legal processes are often unpredictable and lengthy. Moreover, the secrecy and certain government activities are creating suspicion and journalists as seeking of accurate, truthful information often feel those are deliberate efforts to make sure they do not access certain information” (J7; Ed3;) said. According to Ed2, there is no hostile relationship but the current government has relatively done well to improve relations between the media and government

agencies, offices and the ministry. Ed2 remarks resonate literature reviewed on the recent achievements in 2020 that, Namibia has retained its top spot on press freedom ranking in Africa for the second year in a row, as well as took the position of number 23 in the world on the World Press Freedom index for 2020, reported in the Namibian newspaper by Oliveira (2020). It is indeed commendable that things of this nature can be the next big thing for building a well informed society and promote democratic institutions governed by laws. Other participants have somehow disagreed on the same point made. For instance, Ed1 indicated that no law saves for the defence act may lead to hostile stand-offs between journalists and the government.

From the perspective of literature, Namibia has enjoyed a wave of relative peace and stability over the past three decades the government has not done enough to have legislation in place with regards to access to information. However, that does not necessary means everything is well, when it comes to press freedom, media pluralism and access to information in Namibia. The country can achieve more if there are legislations in place that enhance media freedom and independence and ensure that there is access to information to the media and society to make informed decisions.

Contrary to popular beliefs, concerns are being raised as to why the Namibian media lately raised misgivings over ostracise of some media houses, from records that the government has organized lately for example, how the government will sideline certain media house at the statehouse for press briefings/ conference (Oliveira, 2020). Some those issues participants failed to tackle as the researcher wanted them to have indepth clarity on what need to be done. Refute to the arguments made by media on “marginalization” and “exclusion” Dr Alfredo Hengari, the State House spokesperson and other stakeholders have responded to the news report entitled “Namibia's press freedom paradox” which was published in the Namibian Newspaper of the 24th April 2020 by Ngutjinazo. These stakeholders including Dr Hengari declared their mixed feelings over the news report with regards to the World Press Freedom report for 2020 with regards to Namibians rankings. Like on the rating where Namibia seems to have sailed through on top when it media freedom and independent reporting, criticism where we want doing badly should be featured too in the Afrobarometer rankings.

Many critics on the news about Namibian 23rd world ranking on media freedom and provided the following arguments: for ranking does not necessarily mean it is what it is when reflecting media on media outlook (Ngutjinazo 2020). Furthermore, RSF has a certain outlook on media pluralism and independence, legislative framework, and the safety net of journalists apart from the quality of journalism in Namibia (Ngutjinazo 2020). Again, Ngutjinazo (2020) indicated that the index ranked 180 countries according to the level of press available to journalists. Certain squabbles between media and the government has been observed on collision whereby the state was observed to be harassing media house or journalists.

The third objective of the study sought to examine the extent to which the Access to Information Bill is likely to affect the information flow and media reporting in Namibia.

Based on this, the following were the main findings

4.3 The extent to which the Access to Information Bill is likely to affect the information flow and media reporting in Namibia

A question was posed to the respondents regarding the extent to which the delay in the enactment of the Access to Information Bill on media reporting in Namibia will affect the information flow and media reporting in Namibia. Both the editors and journalists were posed the same question some of their views are as follows:

“there is a lack of transparency, mistrust and delay in accessing crucial information.” (Ed 1)

“the media is unable to share information with the public, as a result, it affects the general public’s decision-making and compromises on a well-informed nation.” (Ed 2).

“implications are a lack of transparency by public entities and a lack of accountability to the public” (J7). There is an impact on how journalists will report, for instance, J6 claim that,

“the delay in the Access to Information Bill gives way for journalists to be taken serious whenever information is needed in the public arena.”

Larson (2007) agrees with Ed1 by stating that public information is problematic to access by journalists and ordinary members of the public. The researcher agrees with the sentiment above that, access to crucial information has been challenged in court by the state or private corporate on the basis that they are classified information.

The response by Ed 2 above is in line with the Constitutional provision which stated under *Article 21* – on *Fundamental Freedoms (1990)* which seeks to clarify that;

All persons shall have the right to freedom of speech and expression, which shall include freedom of the press and other media. What will be the purpose of owning a media house in the democratic state if the government cannot level the playing field for all? There is a skewed and misaligned policy when it comes to fair dissemination of information. Ed3 added that it impacted transparency and enhances the chances of unethical conduct under the cover of darkness.

Participant J5 indicated that,

“Access to Information Bill delay prevents the media and the dissemination of important information and it easily deprives them of access to valuable information.”

This is true I the age of fast-flowing information, the media should play that instrumental role to facilitate access to information.

In addition, J6 think that without the bill drafted or being passed into law, there is no transparency, accountability and good governance from leaders. If lack of transparency, accountability and good governance persist this will contradict Namibia’s ratification on international protocols on international human rights views expressed by Nakuta and Mnubi-Mchombu (2013). Nakuta and Mnubi-Mchombu further stated that Namibia rectifies the international human rights instruments, protocols and declarations where there is still a need for check and balance which is missing at the government level to see to it that the rectifications of the international human rights instruments are adhered to.

J4 highlighted the critical information which would help in providing a clear picture that might be omitted which in turn can lead to a lack of objectivity. Similarly, J3 added that,

“it denies all Namibians access to critical information, and not only the media. The delay robs citizens off an opportunity to make informed decisions due to a lack of information.”

In agreements with other respondents on the same on access denied, J2 remarked that,

“there are implications such as lack of transparency by public institutions and accountability to the public by denying the members of the media houses access to crucial information.”

At the same time, J1 claimed that,

“the purpose of the Bill is to ensure that the right to access information is guaranteed.”

Without the enactment of the very bill, government officials do not feel obligated to provide information to the media that is crucial and this, therefore, makes the journalists' job difficult (J1) added. With similar views, Fikameni & Hasheela (2017) added that there is no freedom or the free flow of information from various institutions including the public and private sector to the media. As such withholding information necessary for the public to make life-critical decisions is important in the information technology life.

According to Ed1, media freedom are generally respected by the government. Besides, “as a media practitioner, I have generally come across instances where media access is or has been denied” (Ed1) said. But Ed1 contrasted Daniels (2010, p.2) who stated that, another challenge that has been a problem in the past was to access government websites of various ministries that were not consistently updated as they were supposed to provide the public with relevant up to date information according to the African Media Barometer for Namibia. All these inconsistencies are attributed by the lack of proper laws and regulations which the state is avoid to streamline.

Ed2 reckoned that “as far as we are concerned, all media houses are granted the same treatment and invited accordingly and mostly in advance to cover events.” Another challenge announced in the interview with Ed2 is that “there is a general lack of understanding of what the role of the media entails. Many occupying public offices see the media as enemies, which is not the case and rather unfortunate.” Ed3 noted that lack of resources is the main impediment followed by lack of specialised skills. Again, this happens mostly when a media house or specific journalist is perceived to be adversarial to the specific institution's agenda. More challenges outlined include a lack of able-minded journalists and inadequate information.

Additionally, the state-owned media are often given more headway or privileges when it comes to information needed from the state (government entities as opposed to private institutions (J6) explained. Similarly, J6 added that challenges included the unfair distribution of information as mentioned in point C: another challenge is the regulation of media, which often results in dishes between the state (government entities) and make publications amid the media is also concerned with the environmental technologies and sustained development (vision 2030) in which they inform the people. J5 claimed that certain media are not treated well because they are often accused of taking sides and not reporting in the favour of those that are in power or control of a particular press conference. Sometimes access is denied because of not having the right pass. J5 continue, the lack of access to information is one of the challenges, it could be that they are not able to publish information the public deserves about a certain company as it could be the one advertisement, hence “you can bite the hand that feeds you.” According to J3, it is due to a misplaced perspective that some media houses are driving an agenda and many times too negative. According to J3, the biggest challenge is access to information and lack of political support to get information to those that need it on time and at the right place. Some mentioned such as state media are given preferences and privileges to cover press conferences and often media events in which private media are being kept in dark or excluded from events/conferences are listed by J2.

Besides, J2 narrated other challenges like unfair distributions of information, strict regulation of some media which not to access information to the public, government institutions controlling some media. Moreover, privately-owned media organisations are sometimes sidelined while state media are prioritised when it comes to government J1 remarked. Again, "I think the government prioritise state media because they are the ones not likely to criticise them or ask them uncomfortable questions at press conferences." On top of that, as stated in her earlier response, the media is often faced with challenges of obtaining information from public institutions because they do not feel obligated to provide answers. This often can be frustrating for journalists who are sometimes made to wait for days for information that should be freely available (if they get any response at all). Sometimes reports are referred from one office to another until they become frustrated and give up on a story because there is not enough information.

Literature reviewed echoed same sentiments that, there are still challenges in accessing information in Namibia as Daniel (2010) contends that "in practice, public information is difficult to access by journalists and ordinary members of the public" (p.3).

The advice given by Daniels is that "citizens in Namibia should be more active in demanding access to information legislation, because ultimately our present circumstances, decisions and the wellbeing of future generations depend on what we know now and how we use such information and knowledge (p.4)." Another challenge experienced with media is the intensification and collapse of several media establishments since independence (Larsen, 2007). Media experience hardship while some die a natural death and many have closed down due to legal challenges and some due to endless competition from well-established media houses and some due to lack of experience and economic accountability to mention a few (p.2)." Many challenges and implications developed stemmed from a few variables and Larsen (2007) argue that:

Namibia relies heavily on outdated laws as such there is a need for new laws, as of now although new acts and policies are in draft forms there is an obstacle to the development of a healthy Namibian media environment. Besides, legal shortcoming has ramification and harms to the harmonious

relationship between the state and the media which lead to lack of access to information legislation as well as uncertainty.

As such the press freedom and freedom of expression enshrined in the constitution might be subjectively misinterpreted rather than reaching objectivity through enacting new legislative laws that will create enabling environment, to promote press freedom where suppression of media freedom, citizen's access to information without legal implications and rights denied

4.4 Discussion

Media organisations such as Namibia Media Trust and Action Coalition (NMTAC) have been lobbying for this bill and advocating for its enactment. Similarly, The Editors Forum of Namibia (EFN) and The Namibia Media Trust have to work together with other stakeholders to ensure that their inputs are considered for the prudent finalisation of the Bill to give access to the journalists to inform the public. Journalists have been calling for the speedy intervention of the Information Bill and through an organisation such as the Editors Forum and MISA, the urgency to introduce the bill has gained serious momentum. Moreover, media practitioners have lobbied through the Editor's Forum of Namibia (EFN) by registering an appeal to demand access to information including writing opinions about the importance of press freedom and how information must be made available. The Namibia Media Trust (NMT), Editors Forum of Namibia (EFN) have to actively engage with the Ministry of Information Technology to keep track of the progress and actively (monthly) give media an update as to how far the finalization process as well as to update the newly established media union (NAMPU). Some media lobby by publishing benefits for citizens to pressure the authorities to promulgate into the law. On the other hand, Ed3 remarked that the media follow up now and then with the custodians of this process to enquire how far the process is. Like Ed3, Ed2 is of the view that media houses have been petitioning the authorities through the Namibia Editor's Forum. Moreover, stakeholders such as the

Namibia Media Trust and Editors Forum necessitate work together with media and journalists for enhancing the speedy tabling of the Access to Information Bill.

Some strategies have been proposed to improve the relations between media the government through established laws that need to be obeyed by all. Ed1 is proposing for the industry to be safe for journalists to operate, consultation with the Law Reform Commission (LRC) way necessary, regular consultation between various stakeholders in the sector such as the Editor's Forum and newly established media uniform. Ed1 still believe there is already press freedom in our country. Furthermore, it would be refreshing if the media is allowed more room to thrive and report as well as educate Namibians on their rights as enshrined in the Namibian constitution, Members of Parliament (MPs) have to consult their constituencies and push through reforms that affect the ordinary people, they should not be self-serving leaders, other suggestion is on the outdated laws which sometimes suppose to review. Ed2 similarly advocate for constitutional democracy and laws should reflect as such. Another proposed idea is that consultation is an ongoing process to ensure MPs and interested groups are on the same page.

Ed3 proposed for the legislation that came about as a result of broad consultations with all stakeholders, media included (Ed3). According to Ed3 further propose for the legislators must set timelines and commit to meet each deadline, industry stakeholders must be consulted to commonly decide which laws or aspects of it must be repealed, consult their industry and consider their views and inputs. According to J7, the legislative environment should be proactive and not reactive, laws affecting bread and butter issues and quality of life for now and the future should be prioritised, new laws should be promulgated. Like Ed1, J7 wants lawmakers should truly represent these constituents not push hidden agendas. J6 has identified the problem as the time of which at which a case is finalised which is often due to "investigation." Lawmakers have to simply set and make public a deadline in which they will finalise the bills, by that way media and the public can hold them accountable (J7). The justice ministry should appoint a team of people who will repeal and look at how it be amended

continuously according to the current digital media and new media industry status quo and industry trends (J7). Again, the justice ministry should ensure they provide a portal that will provide court rolls and case appeals, however, it needs to be more frequently updated as well as promotion/promoted.

J5 wants the media to have a peaceful environment, with editorial ownership and freedom of speech. Besides, the lawmakers should call for the conference that will involve all the stakeholders and interested parties and decisions made must not take 10-15 years to be put into practice (J5) narrated. Like another participant, J5 is asking for the laws to be reviewed to pave way for new and suitable which allow the effective flow of information. Repealing of outdated laws, new media legislation with different stakeholders, timeline on work to complete based on deadlines, consultations to get everyone's view, conducive environment for media to thrive, allow media to access to information even the classified one but given right to press (J3, J2 & J1).

4.5 Chapter Summary

This chapter presented the findings from the participants based on the interview conducted by the researcher. The findings addressed the relevant questions asked in the interview with the interpretations given explicitly by the researcher with themes coded based on common answers. Under each of the themes developed, there were specific questions asked and based on the responses of the participants the researcher organise similar responses under the same themes. The findings presented above-formed part of the analysis and discussion in chapter 5 whereby the integration of literature reviewed will be explicated for validation and comparative purposes. The next ensuing chapter provided a discussion, conclusion, and recommendations on the study.

CHAPTER 5:

CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter concludes the study and is divided into the following sections. Section 5.2 presented the summary of the study. 5.3 provided a summary of findings under the objectives of the study. Section 5.4 presented the limitations of the findings. Section 5.4 highlighted areas for further research.

5.2 Summary of study

The purpose of the study was to examine stakeholder's views particularly the print media members on the implications of the delayed enactment of the Access to Information Bill on media reporting in Namibia. In so doing, the first chapter provided an overview of the study. Chapter 2 highlighted the literature review, Chapter 3 described the methodology used while chapters 4 and 5 provided the findings through analysis and interpretation as well as conclusion and recommendations. This last chapter thus concludes the study and provides recommendations, based on the study.

Data collected was analysed by developing patterns that form codes in themes. The thematic analysis of the findings was done in line with the objectives of the study. the main findings from the data analysed indicated that the Access to Information Bill has an impact on access and availability to information that journalists. It was found that several provisions within the Acts on restrictions to information classified by the state contradict the ratifications to which Namibia is a signatory and also the right of every Namibia in the constitution whereby Article 21 (1990) of the Namibian Constitution, states that "All persons shall have the right to; freedom of speech and expression, which shall include freedom of the press and other media." Although the state with in the same constitution the state is provided reasonable grounds for national security not to disclose classified information, participants are of the view that the state deliberately freezes information which perhaps they think will damage the reputations of the institutions they are to be released to the media. Journalists sometimes work

in environments where they are treated unfairly in particular, the private media versus the state media. The state media is being given preferential treatment while the private media is denied access to the same venue where a press conference is taking place. One of the findings of the study was that there is no media freedom in Namibia, due to the absence of laws that promote freedom and access at the same time. In conclusion, the state has a moral obligation to make sure information dissemination and access to information which are basic constitutional rights are maintained, as such the state should speedily pass the Access to Information Bill into a law whereby the journalists' Modus Operandi will be facilitated through the same laws and several recommendations were made including abolishing of the outdated laws. In line with the findings, the s legislators must set timelines and commit to meet each deadline, industry stakeholders must be consulted to commonly decide which laws or aspects of it must be repealed, consult their industry and consider their views and inputs. Similarly, it was found that unfair treatment by journalists and harassment with litigation on publishing information rightfully gained make the legislative environment toxic, therefore it is recommended that the legislative environment should be proactive and not reactive, laws affecting bread and butter issues and quality of life for now and the future should be prioritized, new laws should be promulgated. Last but not least in line with the objective of the legislative environment, the justice ministry should ensure they provide a portal that will provide court rolls and case appeals; however, it needs to be more frequently updated as well as promoted.

5.3 Summary of findings

5.3.1 Objective 1: To examines the roles and responsibilities of the media in a democratic Namibia.

The study aimed at analysing the roles and responsibilities of the media in democratic Namibia, with the following question, asked the participants; What are the roles and responsibilities of media in democratic Namibia? Some of the responses from participants highlighted key aspects such as environmental issues, issues affecting different communities in Namibia, like droughts, global warming, climate change. Also, development, culture, promoting environmental sustainability,

shaping society ways of life is what media serve as a vehicle to explore new cultural ideologies. Journalists empower and inform the public with information to make informed decisions are some of the roles and responsibilities that the media do in a democratic republic of Namibia (J4 & J5). In agreement with Daniels (2010) who claimed that, to get information is a bottom line of human rights in any statutory democracy and no country can truly call itself democratic unless citizens have the right to access and request information that is held by the public and certain private bodies. Apart from that, they mentioned that part of Sustainable Development Goal (SDG) and vision 2030 are the tools through which media can be stakeholders in disseminating the information, not misinformation or fake news. Again, according to J7, the critical development pertains to livelihood and future generation, the media can educate, entertain (Ed1). Ed2 claimed that when information is readily accessible society makes informed while well informed. Similarly, Larsen (2007) claimed that modern democracy requires a proactive approach through media promoting diversity, pluralism, self-sufficiency, and independence. Again, Larsen (2007) argues that media shape the climate of democratic debate help the establishment and maintenance of good governance.

In concluding this part, the findings of the study indicated that the media have that statutory obligation to disseminate information henceforth, Access to Information Bill in its current form and motion that applied a handbrake is delaying the harmonisation of the media industry to be the centre of excellence in providing the much-needed information to the public. Media role in the democratic society cannot be sidelined from reaching the information that will enable most Namibians kept in the dark because of the secrecy oaths taken by some government officials to classify information from reaching the public eye. Democracy means participation by people to govern themselves through integrity, transparency and being accountable to media so that the members of the public can know what their leaders are doing is right or wrong. Moreover, a just society is judged based on open criticism which most government officials are afraid to be criticised on.

Objective 2: To establish the legislative environment that affects the operations of the media in Namibia.

The study aimed at establishing the factors on delay in the enactment of the Access to Information Bill which is currently on hold and affects the operations of the media in Namibia, with the following question, asked the participants; How the legislative environment affects the operations of the media in Namibia?

Henceforth, responses from the participants indicated that media organisations such as Namibia Media Trust and Action Coalition (NMTAC), and Editors' Forum of Namibia (EFN) must work together with other stakeholders to ensure that their inputs are considered towards the finalisation of the Access to Information Bill (J2). J3 has reiterated that calls for a speedy intervention of the Access to Information Bill through media organisations are at an advanced stage. Lobbying for an appeal to demand access to information including writing opinions about the importance of press freedom and how information must be made available (J5).

Objective 3: To examine the extent to which the Access to Information Bill is likely to affect the information flow and media reporting in Namibia.

Access to Information Bill has the potential to regulate media sustainably however if this Bill is still not speedily finalised it means that the bureaucracy will continue to be the top inhabiting factor when it comes to accessing and sourcing information from the government officials and agencies (J1). Similarly, the country has recorded one of the recent achievements 2020, when Namibia has retained its top spot on press freedom ranking in Africa for the second year in a row, as well as took the position of number 23 in the world on the World Press Freedom index for 2020, reported in the Namibian newspaper by Oliveira (2020). Despite this achievement, J2 reminded the researcher that the law regulating the operation of media made it difficult to access crucial information despite many of the awards and ranking in press freedom. In agreement with J2, Ngutjinazo (2020) claimed that Namibian 23rd world ranking on media freedom and provided the following arguments: for ranking does not necessarily mean it is what it is when reflecting media on media outlook. Furthermore, RSF has a

certain outlook on media pluralism and independence, legislative framework, and the safety net of journalists apart from the quality of journalism in Namibia (Ngutjinazo 2020). An example was given by J3 about the operation and expenditure of the Ministry of Defence (MoD) are made/kept secret for years without anyone disclosing information in the name of national security. Some laws are outdated to use them to sue journalists for publishing reports that overstep the constitutional right to press freedom. Although it can be noted that media regulation is an important ethical issue that media house ought to pressure however when the regulator abuse the power is tantamount to selective justice.

5.3 Recommendations

Following the lengthy discussion of the findings on data collected from the participants, several recommendations were proposed, and they are.

It was found that there is little media freedom as such the journalists' operations in the field are restricted. Therefore it is recommended that the media industry needs to be safe for journalists to operate, consultation with the Law Reform Commission (LRC) is necessary, regular consultation between various stakeholders in the sector such as the Editor's Forum and the newly established media union.

The findings indicated some media houses are on the verge of closing down due to the restrictions and regulations put in place. As such it is recommended that It would be refreshing if the media are allowed more room to thrive and report as well as educate Namibians on their rights as enshrined in the Namibian constitution.

The findings reported that there was little input on the Bill from the member of the public, therefore it is recommended that Members of Parliament (MPs) should consult their constituencies and push through reforms that affect the ordinary people, they should not be self-serving leaders.

Participants have revealed that outdated laws do not enhance the operations of the media, therefore recommendations are made so that, outdated laws which are sometimes supposed to be reviewed

through constitutional democracy and laws should reflect on new development. The laws need to be reviewed to pave way for new and suitable laws which allow the effective flow of information. Repealing of outdated laws, new media legislation with different stakeholders, timeline on work to complete based on deadlines, consultations to get everyone's view, conducive environment for media to thrive, allow media to access to information even the classified one but given right to press.

The findings indicated that members of various media houses are not consulted properly therefore, another proposed idea, is that consultation should be an ongoing process to ensure MPs and interested groups are on the same page. The legislation that came about because of broad consultations with all stakeholders, media inclusivity be implemented without delay.

The findings made revealed that the delay of the Bill has implications for the future, therefore the legislators must set timelines and commit to meet each deadline, industry stakeholders must be consulted to commonly decide which laws or aspects of it must be repealed, consult their industry and consider their views and inputs. Lawmakers should simply set and make public a deadline in which they will finalize the bills, by that way media and the public can hold them accountable.

The media environment is becoming fragile and the journalists do not feel protected, The legislative environment should be proactive and not reactive, laws affecting bread and butter issues and quality of life for now and the future should be prioritized, new laws should be promulgated. Lawmakers should truly represent their constituents and do not push hidden agendas.

Another finding indicated that the justice system on e-justice has not been effective for journalists to access the information. Therefore, the justice ministry should appoint a team of people who will repeal and look at how it will be amended continuously according to the current digital media and new media industry status quo and industry trends. Again, the justice ministry should ensure they provide a portal that will provide court rolls and case appeals; however, it needs to be more frequently updated as well as promotion/promoted.

Findings made from the data analysis revealed the media environment has not been treated well fairly, recommendations proposal, The media to have a peaceful environment, with editorial ownership and freedom of speech. Besides, the lawmakers should call for a conference that will involve all the stakeholders and interested parties, and decisions made must not take 10-15 years to be put into practice.

5.4 Limitations of the study

Several shortcomings were encountered while collecting data for presenting the findings, since this study came at a time when media houses faced certain restrictions on their freedom, participants were hesitant to participate for the sake of this interview and the information they ought to share. It is imperative to note that the study came at the time where Covid-19 is inhabiting human activities, some of the delays were attributed to the deadly virus forcing governments to implement several measures to curb the spread of the virus. Hence, all protocols were observed during the process of data collection. Other limitation includes the hesitation by the participants to take part in the study, the pretentious attitudes by the participants at first. To avoid the pitfalls of any related to the above, the researcher before the interview met with participants at their respective place workplace to familiarise with them and to maintain the mutual protocols needed for the completion of the study. However, it is worth noting that time was not on the researcher's side to finalize the report on time and to avoid missing the deadline. Some limitations accompanying this research are recognized. The study did not incorporate education information's in the demographics. In the future, the scholar possibly would dig up the information from the lawmakers to air their views on the subject.

5.5 Areas for further research

Furthermore, the findings of this study are founded on data found from a thin sample size composed of 9 participants. Broader research maybe wanted to obtain broader feedback for future reforms. This study has significance for even further studies. It would be hypnotic to polish the results of the current research by having comparable studies in other regions.

Areas for further research is the exploration of other stakeholders opinions who were not part of the study like lawmakers' on the delay of enactment of the Access to Information Bill and what implications are there for the media industry. What is likely to be the challenges in future to the government to improve some of the laws and policies on access to pieces of information which are guaranteed in the Namibian constitution.

5.6 Conclusion

In conclusion, the implications of the Access to Information Bill towards media pluralism and independence, legislative framework, and the safety net of the journalist will remain unresolved unless the bill will be enacted into law after so many appeals. The government has not yet so far provided sufficient empirical data on what is causing the delay. The reason to keeps some information secret is against openness, transparency, and accountability on the side of government. Ethics and principles in reporting should be provided to journalists as part of their training at tertiary and workshop after securing employment to avoid being sued for unethical reporting.

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APPENDICES

Appendix 1: Ethical clearance letter



FACULTY RESEARCH ETHICS COMMITTEE (F-REC)

DECISION: ETHICS APPROVAL

Ref: S028/2020
Student no.: 215092643

Issue Date: 11 August 2020

RESEARCH TOPIC

Title: Examining stakeholders' views on the implications of the delayed enactment of the access to information bill on media reporting in Namibia

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E-mail: hmapudzi@nust.na

Dear Mr Matty,

The Faculty of Human Sciences Research Ethics Committee (F-REC) of the Namibia University of Science and Technology reviewed your application for the above-mentioned research. The research as set out in the application has been approved.

We would like to point out that you, as principal investigator, are obliged to:

- maintain the ethical integrity of your research,
- adhere to the Research policy and ethical guidelines of NUST, and
- remain within the scope of your research proposal and supporting evidence as submitted to the F-REC.

Should any aspect of your research change from the information as presented to the F-REC, which could have an effect on the possibility of harm to any research subject, you are under the obligation to report it immediately to your supervisor or F-REC as applicable in writing. Should there be any uncertainty in this regard, you have to consult with the F-REC.

We wish you success with your research, and trust that it will make a positive contribution to the quest for knowledge at NUST.

Sincerely,



Prof Rewai Makamani
Acting Chairperson: FREC / Associate Dean: Research
and Innovation
Tel: +264 61 207-2688
E-mail: rmakamani@nust.na



Prof Alinah K Segobye
Dean: FoHS
Tel: +264 61 207-2418
E-mail: asegobye@nust.na



This informed consent form is for journalists and who we are inviting to participate in research; EXAMINING THE IMPLICATIONS OF THE DELAYED ENACTMENT OF THE ACCESS TO INFORMATION BILL ON MEDIA REPORTING IN NAMIBIAN.

Editor below

[Name of Principle Investigator]

[Name of Organization]

[Name of Sponsor]

[Name of Project and Version]

This Informed Consent Form has two parts:

- **Information Sheet (to share information about the study with you)**
- **Certificate of Consent (for signatures if you choose to participate)**

You will be given a copy of the full Informed Consent Form

Part I: Information Sheet

Introduction

*(Example: I am **FIDEL MATTY**, study a master in _____ at the University of Science and Technology. I am doing research on EXAMINING THE IMPLICATIONS OF THE DELAYED ENACTMENT OF THE ACCESS TO INFORMATION BILL ON MEDIA REPORTING IN NAMIBIAN and in this region. I am going to give you information and invite you to be part of this research. You do not have to decide today whether or not you will participate in the research. Before you decide, you can talk to anyone you feel comfortable with about the research.*

This consent form may contain words that you do not understand. Please ask me to stop as we go through the information and I will take time to explain. If you have questions later, you can ask them of me or of another researcher.)

Purpose of the research

The delay in enactment of the information bill on media reporting in Namibia has created a gap in information sharing not only in the media fraternity but overall in Namibia for transparency and openness. We want to find out what could possibly be the reason behind this delay. I believe that you can help us by telling us what you know both about the delay in passing the bill and about why access to information is

censored . We want to learn what people who work here as journalists know about the causes of delay and why media reporting is censored. Furthermore I would to know, how often general members of the public have been engaged on the matter through the media and possibly their responses.

Type of Research Intervention

The semi-structured interview data will be collected through an audio recording as well as transcribed and information collected shared with the participants for verification and cleansing.

Participant Selection

You are being invited to take part in this research because we feel that your experience as a journalist can contribute much to our understanding and knowledge of media reports regards the access to information bill.)

➤ **Example of question to elucidate understanding:**

- a) Why the delayed enactment of the Access to Information Bill on media reporting in Namibia?
- (b) What is the role of the media in Namibian society?

Voluntary Participation

All Participants will be treated with dignity, and their rights will be protected. Individuals will be asked to voluntarily participate in the study and sign a consent form. Since participation in this study will be a voluntary exercise, no real names will be revealed or used. The data that will be collected will be solely used for this study purposes only. For participants to have the freedom to participate and withdraw at any time the researcher will ask to be granted consent from them and this include ethics consideration.

➤ **Examples of question to elucidate understanding:** *If you decide not to take part in this research study, do you know what your options are? Do you know that you do not have to take part in this research study, if you do not wish to? Do you have any questions?*

Procedures

A. The permission to carry out this study at this selected media house will be done through the office of the Managing Editor/Chief Editor or the person in charge. The interview with the you as selected participant will be done during your free time. The interviewer will state the topic and objectives of the research study and give a final “thank you” statement to acknowledge the time and effort the participant/s put in answering the questions.

B. For interviews

participate in an interview with [name of interviewer] or myself.

During the interview, I will sit down with you in a comfortable place where it is convenient with you. If it is better for you, the interview can take place in your home or at your office. If you do not wish to answer any of the questions during the interview, you may say so and the I will move on to the next question. No one else but me will be present unless you would like someone else to be there. The information recorded is confidential, and no one else except I Fidel will access to the information documented during your interview. The entire interview will be tape-recorded, but no-one will be identified by name on the tape. The tape will

be kept safely by saving the audio in my personal computer that is always kept safe in a locked room at home. The information recorded is confidential, and no one else except I Fidel will have access to the tapes. The tapes will be destroyed after _____ number of days/weeks.

Duration

The research takes place over 11 months in total. During that time, I will visit you three times for interviewing you at one month interval and each interview will last for about one hour each.

Examples of question to elucidate understanding: *If you decide to take part in the study, do you know how much time will the interview take? Where will it take place? Do you know how much time will the discussion with other people take? If you agree to take part, do you know if you can stop participating? Do you know that you may not respond to the questions that you do not wish to respond to? Etc. Do you have any more questions?*

Risks

For some reason I might ask too personal questions and too confidential information regards the bill on Access to Information. You do not have to answer any question or take part in the interview if you don't wish to do so, and that is also fine. You do not have to give us any reason for not responding to any question, or for refusing to take part in the interview"

If the interview is on opinions on government policies and community beliefs, and in general no personal information is sought, then the text under risks could read something like "There is a risk that you may share some personal or confidential information by chance, or that you may feel uncomfortable talking about some of the topics. However, we do not wish for this to happen. You do not have to answer any question or take part in the interview if you feel the question(s) are too personal or if talking about them makes you uncomfortable.

Benefits

There will be no direct benefit to you, but your participation is likely to help us find out more about how to prevent and treat malaria in your community.

Reimbursements

You will not be provided any incentive to take part in the research. However, we will give you [provide a figure, if money is involved] for your time, and travel expense (if applicable).

- **Examples of question to elucidate understanding:** *Can you tell me if you have understood correctly the benefits that you will have if you take part in the study? Do you know if the study will pay for your travel costs and time lost, and do you know how much you will be reimbursed? Do you have any other questions?*

Confidentiality

The research being done in the community may draw attention and if you participate you may be asked questions by other people in the community. We will not be sharing information about you to anyone outside of the researcher. The information that we collect from this research project will be kept private. Any information about you will have a number on it instead of your name. Only the researchers will know what your number is and we will lock that information up with a lock and key. It will not be shared with or given to anyone except my supervisor will have access to the information, such as research sponsors.

Sharing the Results

Nothing that you tell me today will be shared with anybody outside the research team, and nothing will be attributed to you by name. The knowledge that we get from this research will be shared with you and your community before it is made widely available to the public. Each participant will receive a summary of the results. There will also be small meetings in the community and these will be announced. Following the meetings, we will publish the results so that other interested people may learn from the research.)

Right to Refuse or Withdraw

You do not have to take part in this research if you do not wish to do so, and choosing to participate will not affect your job or job-related evaluations in any way. You may stop participating in the [interview] at any time that you wish without your job being affected. I will give you an opportunity at the end of the interview to review your remarks, and you can ask to modify or remove portions of those, if you do not agree with my notes or if I did not understand you correctly.

Who to Contact

If you have any questions, you can ask them now or later. If you wish to ask questions later, you may contact any of the following:

Name: _____

address/telephone number: _____

e-mail: _____

This proposal has been reviewed and approved by [name of the _____], which is a committee whose task it is to make sure that research participants are protected from harm. If you wish to find about more about the REC, contact _____. It has also been reviewed by the Research and Ethic Committee of NUST, which is funding/sponsoring/supporting the study.

Example of question to elucidate understanding: *Do you know that you do not have to take part in this study if you do not wish to? You can say No if you wish to? Do you know that you can ask me questions later, if you wish to? Do you know that I have given the contact details of the person who can give you more information about the study? Etc.*

You can ask me any more questions about any part of the research study, if you wish to. Do you have any questions?

Appendix 3: Part II: Certificate of Consent

I have been invited to participate in research about : EXAMINING THE IMPLICATIONS OF THE DELAYED ENACTMENT OF THE ACCESS TO INFORMATION BILL ON MEDIA REPORTING IN NAMIBIAN.

(This section is mandatory)

I have read the foregoing information, or it has been read to me. I have had the opportunity to ask questions about it and any questions I have been asked have been answered to my satisfaction. I consent voluntarily to be a participant in this study

Print Name of Participant _____

Signature of Participant _____

Date _____

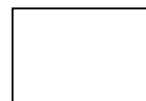
Day/month/year

***If illiterate*¹**

I have witnessed the accurate reading of the consent form to the potential participant, and the individual has had the opportunity to ask questions. I confirm that the individual has given consent freely.

Print name of witness _____

Thumb print of participant



Signature of witness _____

Date _____

Day/month/year

Statement by the researcher/person taking consent

I have accurately read out the information sheet to the potential participant, and to the best of my ability made sure that the participant understands that the following will be done:

- 1.**
- 2.**
- 3.**

I confirm that the participant was given an opportunity to ask questions about the study, and all the questions asked by the participant have been answered correctly and to the best of my ability. I confirm that the individual has not been coerced into giving consent, and the consent has been given freely and voluntarily.

A copy of this ICF has been provided to the participant.

Print Name of Researcher/person taking the consent _____

Signature of Researcher /person taking the consent _____

Date _____

Day/month/year

¹ A literate witness must sign (if possible, this person should be selected by the participant and should have no connection to the research team). Participants who are illiterate should include their thumb print as well.

INTERVIEW QUESTIONS FOR A JOURNALIST: ____

I am an independent researcher who wishes to seek information by **EXAMINING THE IMPLICATIONS OF THE DELAYED ENACTMENT OF THE ACCESS TO INFORMATION BILL ON MEDIA REPORTING IN NAMIBIA**; a case study of selected media houses in Namibia. The questions are intended for an educational research purpose only. You are obliged to sign a consent form before the interview begins. Whatever you say will be used for the intended purpose and will remain confidential. Similarly you have the right to withdraw from this research or request the researcher not to transcribe the audio for the research report analysis. Please attempt all the questions to the best of your knowledge and be as honest as possible. Your identity will be protected to ensure confidentiality as well as to conform to ethical consideration. Feel free, relax and calm during the process of interview one on one as you granted the researcher your time from the busy and tight schedule to answer to a number of questions.

- a) What are the implications brought by the delay in the enactment of the Access to Information Bill on media reporting in Namibia?
- b) How do media practitioners lobby for the finalization of the Information Bill to sign into law?
- c) Why certain media houses are not treated well by government when it comes to press conference or media briefing where their Access is denied?
- d) In your own perspective as you analyze the role of the media in Namibian society describe what could be the challenges the media house are faced with in disseminating information as the nation need such ascribed by the constitutional right to freedom of speech and media practitioner?
- e) What are your views on the burning issues at large in the Namibian society that media /journalists do not fully provided full coverage as results confidential information classified or kept secret?
- f) In which way do government policies and laws compelled journalists and media environment to become hostile or implicated in legal standoff?
- g) In future, how should lawmakers speed up the process of lawmaking that affect the daily livelihood of the people as the constitution confine?
- h) What are your suggestions with regards appeal of outdated laws that still hump effective flow of information to the public?

- i) How will lawmakers make sure that, the laws are reviewed for transparency and ethical reporting toward accurate reporting and media pluralism?

Date: _____

INTERVIEW QUESTIONS FOR EDITOR: ____

I am an independent researcher who wishes to seek information by **EXAMINING THE IMPLICATIONS OF THE DELAYED ENACTMENT OF THE ACCESS TO INFORMATION BILL ON MEDIA REPORTING IN NAMIBIA**; a case study of selected media houses in Namibia. The questions are intended for an educational research purpose only. You are obliged to sign a consent form before the interview begins. Whatever you say will be used for the intended purpose and will remain confidential. Similarly you have the right to withdraw from this research or request the researcher not to transcribe the audio for the research report analysis. Please attempt all the questions to the best of your knowledge and be as honest as possible. Your identity will be protected to ensure confidentiality as well as to conform to ethical consideration. Feel free, relax and calm during the process of interview one on one as you granted the researcher your time from the busy and tight schedule to answer to a number of questions.

- a) What are the implications brought by the delay in the enactment of the Access to Information Bill on media reporting in Namibia?
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- e) What are your views on the burning issues at large in the Namibian society that media /journalists do not fully provided full coverage as results confidential information classified or kept secret?
- f) In which way do government policies and laws compelled journalists and media environment to become hostile or implicated in legal standoff?
- g) In future, how should lawmakers speed up the process of lawmaking that affect the daily livelihood of the people as the constitution confine?

- h) What are your suggestions with regards appeal of outdated laws that still hump effective flow of information to the public?
- i) How will lawmakers make sure that, the laws are reviewed for transparency and ethical reporting toward accurate reporting and media pluralism?

13 March 2020

To Whom It May Concern,

This is to confirm that Mr Fidel Matty has been granted permissions to do research for his Master's programme at Namibian Sun. This would be done in the form of interviews with myself as Editor, as well as further interviews with three journalists of Namibian Sun.

Regards

Toivo Ndjebela

Editor

www.namibiansun.com

Tel: +264 61 383 403 I Fax: +264 61 306 853 I Cell: +26481 216 8771 I

P.O.Box 86829 I 11B Genl. Murtala Muhammed Ave I Eros I Windhoek I Namibia



Business



Appendix 6: Letter of permission from The Namibian



Appendix 7: Letter of permission from New Era



New Era Publication Corporation

Tel: +264 61 208 0800 • Fax: +264 61 220 583 • Private Bag 13364 Windhoek, Namibia
Email: info@nepc.com.na • www.nepc.com.na

To whom it may concern

Dear sir/madam

This letter serves as confirmation that Mr Fidel Matty (student number 215092643) has been granted permission by New Era Publication Corporation to collect data from the company for his studying purposes.

We will strive to give him the necessary support.

Hope the above is in order.

Regards

Festus Nakatana

Associate Editor

New Era Publication Corporation



All official correspondence to be addressed to the Chief Executive Officer

Board of Directors: E. Msho (Chairperson), F. Kaulinga, B. Kolanda, S. Hekwerda, B. Mafaga
C. Mafaga (Chief Executive Officer)

Appendix 8: Language Editing Certificate



P.O.BOX 2928 WINDHOEK NAMIBIA | BRAHMS STREET WINDHOEK WEST WINDHOEK NAMIBIA | TEL: 0816764171 | 0813413043 |
EMAIL: khresearchconsultants@gmail.com

26 July 2021

LANGUAGE EDITING CERTIFICATE

It is herewith certified that the research paper with the title: **Examining stakeholders' views on the implications of the delayed enactment of the access to information bill on media reporting in Namibia** by Fidel Matty has been edited by Willem Hausiku, an English language editor and proof-reader.

The paper has been edited using the track changes function in word. The student, for this reason, had the autonomy and responsibility to make the final decision regarding the changes that they wanted to accept under the suggested changes.

The paper was edited and checked for the following:

- Language correctness and spelling
- Consistency (repetition, logical flow and long sentences)
- Completeness of list of references and cited authors

No changes were made to the structure and substance of the document.



WN Hausiku

Managing Member: Mr WN Hausiku