



**NATIONAL  
BROADCASTING  
BOARD**

**CODE OF CONDUCT  
FOR BROADCASTERS  
DURING ELECTIONS**

**JULY 2009**



## **CODE OF CONDUCT FOR BROADCASTERS DURING ELECTIONS**

### **1.0 Introduction:**

The National Broadcasting Board (NBB) has been mandated as per Section 10 (1)(b) of the Broadcasting Act [Cap 72:04], to exercise control over and to supervise broadcasting activities, including the relaying of radio and television programmes from places in and out of Botswana to places in and outside Botswana. Section 21, prescribes that Regulations may provide for a Code of Conduct which shall be observed by all Licensees.

Section 10(1)(b) read with Section 21 of the Broadcasting Act provides the Board with the responsibility of developing a Code of conduct for broadcasting service licensees that the Board deems essential in enabling it to discharge its duties. The development of this Code was premised on that. It should be noted that the Board does not have the mandate to conduct elections in Botswana. Only the Independent Electoral Commission, (IEC) is mandated to conduct elections in Botswana. The IEC is established under section 65A of the Constitution of Botswana. In case of any doubt concerning issues on elections, broadcasting services are advised to check with the Commission. This code shall apply to all elections whether they be general elections, by-elections, parliamentary and/or local government by-elections. It shall also apply to the coverage of all candidates.

### **2.0 Aim of the Code of Conduct**

The following Code of Conduct aims at giving general guidelines to all broadcasting service licensees as regards party political broadcasts, during the electoral process.

This code shall be reviewed after every general election or as and when necessary.



### 3.0 Definitions:

In this Code of Conduct, any word to which a meaning has been assigned in the Broadcasting Act [Cap 72:04] and the Electoral Act [Cap 02:09] shall have that meaning unless the context otherwise indicates:

3.1 **“Board”** means the National Broadcasting Board;

3.2 **“Broadcasting”** has the same meaning as defined in Section 2 of the Broadcasting Act [Cap 72:04];

3.3 **“Campaign News”** means news stories emanating from political campaigns;

3.4 **“Candidate”** has the same meaning as defined in Section 2 of the Electoral Act [Cap 02:09];

3.5 **“Election period”** means the period immediately following the issuance of a writ of election instrument in terms of Section 34 of the Electoral Act until the declaration of the results in accordance with Section 77 of the Electoral Act;

3.6 **“Party-political advertisement”** means any item which is:

- a) broadcast in return for payment or other valuable consideration to a broadcaster; and,
- b) which is intended or calculated to advance the interests, beliefs or objectives of any political party;

3.7 **“Party Political broadcast”** means any programme which is:

- (a) broadcast free of charge;
- (b) intended or calculated to advance the interests, beliefs, or objects of any Political Party or Candidate;
- (c) pre-recorded; and
- (d) scheduled;

3.8 **“Phone-ins”** means a Radio or Television programme in which the public are allowed to participate by way of telephone;

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- 3.9 “Political Campaign”** means canvassing for support from potential voters for the purposes of attaining their votes to a political office through any form of public communication;
- 3.10 “Polling day”** has the same meaning as defined in Section 2 of the Electoral Act [Cap 02:09];
- 3.11 “Polling station”** has the same meaning as defined in Section 2 of the Electoral Act [Cap 02:09];
- 3.12 “Public Broadcasting Service”** has the same meaning as defined in Section 2 of the Broadcasting Act [Cap 72:04].



#### **4.0 News and Current Affairs**

- 4.1 News coverage of elections shall be left to the discretion of the News Editors
- 4.2 Proper balance and fairness shall be applied to all current affairs programmes that deal with elections

#### **5.0 Party Political Broadcasts**

- 5.1 No Broadcaster shall permit party-political broadcasts under any circumstances except during an election period.
- 5.2 Private broadcasters who choose to broadcast a party-political broadcast, for a particular party, shall afford all other political parties a similar opportunity.
- 5.3 Private broadcasters shall not broadcast a party-political broadcast unless it is submitted on behalf of a political party by its duly authorised representative.
- 5.4 A party-political broadcast shall be wholly under the editorial control of a political party which requests the broadcast and the broadcaster shall not be held liable for the content of the broadcast.
- 5.5 Party political broadcasts shall cease 24 hours before the hour set for polling to start.

#### **6.0 Prohibition of Party Political Adverts**

- 6.1 All Broadcasters shall not broadcast any party political advertisement under any circumstances.
  - 6.2 Notwithstanding clause 6.1 above, broadcasters may make announcements of Schedules of meetings by different political parties.
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## **7.0 Equitable treatment of Political Parties by broadcasters**

- 7.1** If, during an election period, the programming of any broadcaster extends to the elections, political parties and issues relevant thereto, the broadcaster shall provide reasonable opportunities for the discussion of conflicting views and shall treat all political parties equitably. Equity should be based on the number of running candidates for a particular Party.
- 7.2** In the event of any unfair criticism against a political party being levelled in a particular programme of any broadcaster without such party having been afforded an opportunity to respond thereto in the same programme or without the view of such political party being reflected therein, the broadcaster concerned shall afford such party a reasonable opportunity to reply to the criticism.
- 7.3** No broadcaster shall run a programme in which a particular political party is criticised, 24 hrs before polling starts.
- 7.4** The opportunity to reply referred to in paragraphs 7.1 and 7.2 above shall be broadcast with the same degree of prominence and, where applicable, in substantially the same timeslot as the initial criticism.
- 7.5** No Broadcaster shall be allowed to endorse a candidate.

## **8.0 'Phone-ins**

- 8.1** Extra care should be exercised to ensure that a range of views is heard and that phone-in callers, some of whom will have limited experience of expressing views on-air, are allowed a satisfactory opportunity to do so.
- 8.2** Whilst a single formula cannot easily be applied to the numbers of callers to a 'phone-in or the duration of their contributions, an appropriate mix should be sought, and relevant views should not be suppressed.
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- 8.3** Stations which broadcast 'phone-ins and interview material should do all they can to ensure that no contributors/callers participating in the program contravene these Code.
- 8.4** Phone-ins shall cease to be broadcast 48 hrs before the hour set for polling to start.
- 9.0 Public Service Broadcaster**
- 9.1** The public service broadcaster is obliged to broadcast party political broadcasts during the election period.
- 9.2** The public service broadcaster is obliged to give all registered, contesting political parties and Independent candidates equitable time for party political broadcasts subject to existing conditions in this code.
- 9.3** The said party political broadcasts shall be broadcast at similar time slots, which shall be communicated to the Board before they are implemented.
- 9.4** Airing of the said broadcasts shall be made without any charge to the parties. Material and quality of such broadcasts shall be compatible with the standards of the broadcaster concerned.
- 9.5** Notwithstanding its role of providing information on government activities and communicating public policy, the public service broadcaster shall ensure that it does not give biased coverage in favour of candidates who are Ministers, Members of Parliament or Councilors.
- 9.6** In covering candidates mentioned at 9.5 above, the public service broadcaster shall ensure that it distinguishes between their roles as elected officers and as election candidates.
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**9.7** The Public Service Broadcaster shall ensure that leaders of all contesting political parties are given equal treatment in performance of their duties as representatives of their parties.

**9.8** Broadcasts of coverage of political campaigns shall cease 12 hours before polling starts.

**9.9** Party political broadcasts shall cease 24 hours before the hour set for polling to start.

## **10.0 General coverage**

**10.1** Broadcasting Stations should satisfy themselves that parties and election issues are treated with due impartiality.

## **11.0 Election Reporting Guidelines**

**11.1** The Code will be in force until the end of the election period as defined in this Code.

**11.2** Extra care must be taken to ensure, especially when a particular constituency is featured often, that undue prominence is not given to any single candidate over others over time.

**11.3** when the election period begins, the guidelines below come into effect

**11.4** The Election period normally begins:

11.4.1 with the issuing of a writ of election or election instrument in the case of local government elections.

**11.5** The Election period ends with the declaration of results.





## **12.0 Balance**

- 12.1** To be impartial, constituency or polling district coverage should give due weight to candidates of all contesting parties and Independent Candidates.
- 12.2** To be impartial, candidates of all contesting parties should be given due weight for constituency or polling district debates.

## **13.0 Candidates**

- 13.1** If any candidate actually takes part in a current affairs programme about a specific constituency or polling district, then candidates of each of the contesting parties should be offered the opportunity to take part.
- 13.2** Candidates shall not be presenters of any programme on radio or television.

## **14.0 Invitations**

- 14.1** When political parties are invited to take part in a debate by a broadcaster, political parties may decide to send in a candidate or representative.

## **15.0 Announcement of election results**

- 15.1** No election results may be broadcast unless they have been issued officially by the Returning Officer.

## **16.0 Broadcasting on Polling Day**

- 16.1** The Electoral Act clearly prohibits canvassing for support on the date of election (Section 113). Consequently the following shall be strictly observed by all broadcasters:



16.1.1 Election coverage on the date of voting shall be confined to reports on the progress of voting.

16.1.2 There shall be no discussions on the possible outcome of the elections until after the polls have been declared closed.

## **17.0 Contact person(s) and Complaints procedures**

**17.1** Broadcasters shall make available to the NBB, complaints procedures specific to their election coverage which shall be developed in respect of the time frames provided in this Code.

**17.2** Broadcasters must and Political parties may appoint a person(s) who shall serve as their point of contact in relation to all matters applicable to this Code.

**17.3** Such complaints procedures shall be broadcast regularly by the stations

## **18.0 Reporters Accreditation and Conduct**

**18.1** Only reporters accredited by the Independent Electoral Commission will be allowed to attend at Polling Stations and Counting Centres.

**18.2** Reporters may not enter polling stations for the purposes of covering the elections without conspicuous appropriate accreditation evidence.

**18.3** Reporters covering elections shall ensure that they do not wear or exhibit symbols or colours or appear with clothes or insignia associated with any political party or contestant during the election period.

## **19.0 Violation of the Code**

**19.1** In the event that a complaint is not resolved between a complainant and a broadcaster the matter shall be referred to the National Broadcasting Board.



**Contact details:**

NBB Chairman

P/Bag 00495

Gaborone

Plot 206/207 Independence Avenue

Tel: 3957755      Fax: 3957679

- 19.2** Any violation of this code shall constitute a violation of the Broadcasting Act (Cap 72:04) and will attract appropriate penalties in accordance with the Broadcasting Regulations (2004).