



MEDIA COMMISSION FINAL REPORT
2005 *Wolesi Jirga* and Provincial Council Elections
6 November 2005

Letter from the Chair

In a society that closed down television broadcasting, used television sets for target practice, forbade music and sports programs on radio and banned pictures from appearing in newspapers, no media assessment can ignore Afghanistan's recent history.

Yet since 2001 the Afghan media has made a great deal of progress. There has been tremendous growth in private and state media; in television, radio and newspapers; with national, regional provincial and metropolitan coverage areas.

It is a considerable challenge for any media to cover an election campaign consisting of 5,800 candidates in a system without strong political parties. Yet, if the test of a democratic media is in the range of views, party affiliation, and pro- and anti-government opinion covered, then in this election the Afghan media has made tremendous progress.

Campaign messages were aired through a program allowing all candidates an equal opportunity to broadcast their message through the radio or television station of their choice in their constituency.

The system was designed to encourage each stakeholder to play their proper role, with the Commission retaining responsibility for decision-making. Broadcasters had the incentive to solicit advertisements from candidates for financial benefit; candidates had the incentive of an offer of free campaigning, and donors had a vehicle for supporting candidates equitably.

This Sponsored Advertising Program was developed by the Commission to solve a number of particular problems of this election – a large number of candidates, many of them poor, and a large number of media outlets lacking resources.

However, its biggest success may have been in the negative: once the system was established and publicized, no television or radio station broadcast a political advertisement paid for outside this system. This removed discrimination based on financial resources from the airwaves.

The system was not without flaws. Two provinces, Panjsher and Nuristan, did not have suitable media outlets which could be used. Three others, Ghor, Uruzgan and Badghis, had stations, but communication was only possible via an unreliable postal system. Other provinces had radio stations with very small coverage areas.

This made it the more remarkable that in all 31 of the 34 provinces with functioning broadcasters, the system was used by a substantial number of candidates. Usage countrywide provides insights into the nascent political culture – women and men chose television over radio, despite both the historic ban on women appearing on television, and the need to restrict messages to two minutes on television as opposed to five on radio, which many had said was insufficient airtime for Afghan campaigners.

As in the presidential election in 2004, many candidates campaigned substantially around issues relating to the election process rather than strategies for legislation and government, and media coverage reflected this.

Journalists could have been more aggressive in challenging candidates and highlighting political issues important to the future of Afghanistan.

More disturbing was the chilling effect of several arrests of journalists and editors, and unconfirmed but widespread reports of intimidation. At the time of this report going to press, there is not yet a sign that this will end.

In short, Afghans can be proud of the rapid progress in the few years since the opening of the media, but there remains much to be done for the Afghan media to play its full part in a democratic political culture.

John Matisonn

Table of Contents

I. Executive Summary	4
II. Introduction.....	5
A. Composition of the Media Commission.....	5
B. Mandate of the Media Commission.....	5
C. Media Environment in Afghanistan	6
i. Afghan Media - Historic Background.....	6
ii. Afghan Media 2001-2005	6
iii. Regulatory and Legal Framework.....	9
iv. Media Commission and the Media	9
III. Media Commission Activities.....	10
A. Media Monitoring.....	10
B. Compliance with the Mass Media Code of Conduct	11
C. The Sponsored Advertisement Program (SAP)	12
IV. Analysis	13
A. Media Monitoring.....	13
B. Compliance.....	17
C. Sponsored Advertisement Program	18
D. Media's role in the elections in 2005	20
V. Conclusions and Recommendations	21
Appendices	21
Appendix 1: Mass Media Code of Conduct	317

I. Executive Summary

The Media Commission is the first successful experience of media regulation in post-Taliban era Afghanistan. During decades of civil war and instability, the country's mass media agencies and skilled journalists were reduced to little but memories of a time when print media was widely available and radio broadcasts were thriving. The loss of skilled individuals, institutional capacity and technical equipment coupled with severe censorship nearly destroyed what remained of the country's mass media.

Created by Article 51(1) of the Electoral Law of Afghanistan, the Media Commission was charged with a two-fold mandate: to monitor the coverage of the electoral campaign by the mass media; and to address complaints alleging breaches of fair reporting and coverage. Additionally, after consultation with political parties, the media and donors, the Commission developed the Sponsored Advertisement Program (SAP) to provide equitable access to *Wolesi Jirga* and Provincial Council candidates on radio or television regardless of their financial status.

The Media Commission conducted educational workshops, seminars and lectures on journalistic best practices. Through these, the media was encouraged to play an active role in the coverage and analysis of the nation's political affairs.

The Media Commission established a Media Monitoring Unit which trained 68 Afghan media monitors to monitor the vast majority of the Afghan media during the Campaign Period. These trained monitors continue to employ their skills in an Afghan company after the Commission's mandate expired.

Media Monitors found that compliance with the Media Code of Conduct by the media was at a high level. Most violations occurred during the Silence Period and may have resulted from misunderstandings of the rules.

The Commission received 15 complaints, eight from the public and seven from its monitors. Of the eight cases where a violation was found, not one was considered serious. Sanctions took the form of the broadcast of a short judgment and an apology where appropriate by the offending station.

Monitoring reports indicated that the media covered the electoral campaign fairly but the quantity of the coverage was conspicuously low by international standards. Much of the coverage focused on the electoral system and its management rather than on campaign issues and their potential impact on the future policies of Afghanistan.

Monitors also noted that the amount of political communication began to increase during this period as a result of both the SAP and increased use of roundtables and other formats.

The SAP was authorized by the JEMB and successfully implemented by the Commission in all provinces with access to local broadcasting in what may have been the largest program of its type conducted by an international mission.

While both men and women participated in the SAP in high numbers, women used it more than men – 76% percent of eligible female candidates and 57% percent of men - indicating that overall the program was perceived by candidates to be a highly valuable campaign tool.

The media also embraced the program, viewing it as an additional source of income through advertising, a means of increasing journalistic skills and contributing to the development of campaign skills development of inexperienced political candidates.

In many ways, the work of the Media Commission during the 2005 *Wolesi Jirga* and Provincial Council elections was groundbreaking. As the first regulatory body dealing with the mass media, the Commission's activities provide implications for the future of media regulation in Afghanistan. In a country whose citizens are anxious for law and order, a future media

regulatory body should be instilled with the power to enforce regulations, encourage thorough coverage and healthy debate and build the capacity of the nation's fledgling mass media.

II. Introduction

Unlike more established democracies, Afghanistan does not yet have an active media regulator to license and oversee the operations of the mass media. The 2005 Media Commission represents the first successful attempt to systematically regulate the mass media since the fall of the Taliban in 2001. For this reason, although its mandate was limited to electoral matters, the work of the Media Commission proved to be of broader significance for the mass media in Afghanistan.

The Media Commission was, however, very much a part of the electoral process. It was established by the Joint Electoral Management Body (JEMB) in accordance with Article 51 of the Electoral Law and the JEMB's general responsibility to establish the legal framework for the elections. The JEMB defined the Media Commission's composition, responsibilities and powers in the *JEMB Regulation on the Establishment of the Media Commission and Mass Media Coverage of the Elections*. The Body appointed the members of the Media Commission and retained the authority to hear appeals against its decisions.

A. Composition of the Media Commission

The Media Commission was composed of five members, three national Commissioners, and two international Commissioners:

Dadmohammad Annaby
M. Arif Gharwal
Fawzia Nassery
John Matisonn (Chairperson)
Baquer Moin

The Commission was assisted in its work by a legal adviser, a media monitoring expert, a public information officer, a bookkeeper, administrative assistants, language assistants and investigators. The Media Commission's office in Kabul worked closely with the JEMBS field offices to ensure that all necessary information reached candidates and media outlets in the provinces.

B. Mandate of the Media Commission

The Commission's Mandate, as set out in the Electoral Law and the *JEMB Regulation on the Establishment of the Media Commission and Mass Media Coverage of Elections* included:

- monitoring the coverage of the electoral campaign by the mass media to ensure fairness and accuracy in reporting;
- addressing complaints alleging breaches of fair reporting and coverage of the electoral campaign or other violations of the Mass Media Code of Conduct; and
- implementing and overseeing a Sponsored Advertisement Program that provided each candidate with the opportunity to broadcast advertisements on radio or television during the official campaign period, which ran from August 17 to September 15.

In addition, as one of the first regulatory bodies in the post-Taliban media environment, the Media Commission considered that part of its responsibility included educating the mass media in Afghanistan on journalistic best practices and encouraging the media to play an active part in the political life of the country.

C. Media Environment in Afghanistan

i. Afghan Media - Historic Background

In the turbulent history of Afghanistan, the media has been one of the main institutional casualties of anarchism, intermittent war and tyranny. Numerous Afghan journalists were killed, persecuted, imprisoned, forced to leave the country or abandoned their profession. Under these circumstances, Afghanistan did not have an opportunity to develop a strong and independent media.

The roots of Afghan journalism date back to 1873 with the publication of the first newspaper, *Shams-un-Nahar*. Afghanistan's first radio program was broadcast by Radio Kabul in 1928 under King Amanullah, whose western reforms, as well as the broadcasts, ended with his exile.

Television came to Afghanistan for the first time toward the end of President Daud's authoritarian rule which lasted from 1973-1978. Under the communists (1978-1992), censorship of the media was harsh. When it replaced the Communists, the socially conservative Mujahedin government (1992-1996) continued to restrict press freedom.

Journalism's darkest period, however, occurred with the wanton destruction of the media under the Taliban (1996-2001). They closed down television, banned music on the radio, burned books, publications, videos and archives, forbade female journalists to work and purged the Afghan media of what was left of its professional backbone.

ii. Afghan Media 2001-2005

Following the fall of the Taliban, reconstruction of the Afghan media began in earnest. Afghan aspirations coupled with the desire of the international community to establish and develop free media in a new Afghanistan rapidly revived the media scene.

Support for the media, however, has mainly focused on independent outlets and NGO-sponsored projects. By early 2005, an estimated 300 publications, 40 radio and four private television stations had been established. The state-owned Radio and Television Afghanistan (RTA) and the Bakhtar agency stagnated without the level of international assistance necessary for them to reform.

While the number of broadcasters is increasing, the distribution of the media across the country remains uneven; almost a third of the country does not have access to broadcasting. State media stations fare only slightly better than private stations in terms of reach and coverage. As electronic media continues to improve, coverage should spread to the provinces where radio and television access is currently unavailable.

The increase in quantity in the last four years needs to be matched by the quality of the reporting and coverage. A lack of pro-active, imaginative and creative work in both electronic and print media is acknowledged by the Ministry of Information and Culture. To achieve this, it is essential that the state broadcaster become independent.

Radio

In a country with a strong oral tradition, high rates of illiteracy and relatively easy access to radio sets, the radio is a dominant source of information, education, entertainment and contact with the outside world.

The following table shows the importance of the radio in Afghanistan.

<i>Media Usage</i>		
	Literate	Illiterate
Listen to radio	89%	77%
Watch television	52%	26%
Read newspapers (or read to them)	38%	2%
Connect to Internet	5%	1%

Source: *Altai Consulting 2004-2005*

The popularity of the radio has led to a phenomenal increase in private local FM stations in the urban centres of Afghanistan. International broadcasters and their strong content have put local stations on the defensive, broadcasting on short and medium wavelengths (SW and MW) as well as FM. The following table is a good indication:

<i>Do you listen to these stations?</i>	
	Listen
BBC	76%
Azadi	75%
Radio Afghanistan	74%
VOA	33%
Iran	21%
Deutsche Welle	8%
Pakistan	8%
All India	5%
RFI	2%
China	1%

Source: *Altai Consulting Group 2005*

International broadcasters have had significant input into the electoral debates. Among the international broadcasters, VOA/RL played a large role in covering the elections through its network of reporters, phone-ins and debates. The BBC had more structured and comprehensive coverage through its debates, discussions and *vox populis* from all over Afghanistan.

Among the private and independent FM stations that have emerged in the past few years, Arman FM, Killid FM and the Internews/ Nai Network of stations attracted sizable audiences.

- **Arman FM**, a popular commercial radio based in Kabul, currently uses FM transmitters in several provincial capitals: Mazar-e-Sharif, Herat and very recently Kandahar (6 March 2005). The programs are transmitted by satellite from Kabul to these locations.
- **Radio Killid**, part of the Killid group, is a commercial radio station based in Kabul. It also rebroadcasts BBC news.
- **Internews** created or supported 28 local stations in the following provinces: Badakhshan, Balkh, Baghlan, Bamyán, Daikundi, Faryab, Ghazni, Ghor, Helmand, Herat, Kabul, Kandahar, Khost, Kunduz, Logar, Nangarhar, Parwan, Takhar and Wardak. Although these stations are intended to be independent from Internews, they nevertheless constitute a real network, broadcasting some common programs (relayed from Kabul by satellite, particularly *Salam Watandar*). (Source: Altai Consulting Survey)

In the provinces, a survey carried out by Altai Consultancy indicates the availability and popularity of radio compared with television and newspapers. It also shows that internet access is gradually starting to move into Afghanistan:

<i>Media Usage: Cross analysis by area</i>				
Area of Assessment	Listen to radio	Watch television	Read newspapers*	Connect to Internet
Parwan-Shamali	81%	48%	37%	1%
Bamyan	95%	14%	11%	0%
Balkh	84%	61%	35%	4%
Baghlan	87%	27%	26%	2%
Parwan-Kapisa	83%	20%	6%	2%
Herat city	70%	57%	25%	10%
Wardak	98%	23%	20%	0%
Badakhshan	88%	67%	22%	0%
Herat - Ghorian District	72%	55%	26%	5%
Ghor	93%	17%	7%	0%
Ghazni	81%	47%	10%	3%
Logar	85%	12%	1%	0%
Khost	97%	22%	21%	1%
Nangarhar	86%	38%	27%	4%
Kandahar	67%	46%	14%	5%
Averages	83%	36%	25%	2%
<i>above the average of the 15 provinces +5%</i>				
<i>under the average of the 15 provinces -5%</i>				

* Read or have someone read for them

The people of Afghanistan are keen and often sophisticated radio consumers. The local media is not yet able to respond to what their audience likes to see and hear. Therefore, as of September 2005, there is not yet one national medium in Afghanistan that is capable of broadcasting nationwide or satisfying the nation in terms of content. Broadcasts from neighbouring countries and the BBC and VOA/RFE have a large following; the latter two stations are widely considered key national radio stations heard in nearly all of Afghanistan.

Television

The emergence of television as the primary medium in large cities is confirmed by the number of candidates who chose to use television as the conduit of their sponsored advertisements. The general survey of Afghan Media by Altai Consulting did not include Kabul and therefore, no recent data is available.

The main **private** television broadcasters are:

- **Afghan TV** is a private station launched in May 2004 and was the first private television channel in Kabul. It broadcasts 24 hours a day, including six hours live.
- **Tolo TV** was launched in 2004 in Kabul. It is owned by Moby Capital Partners, which also started the commercial radio station Arman FM in 2002. Tolo TV currently broadcasts in Kabul and is extending its reach to other major cities. Its provocative style and investigative journalism have given it a significant audience.
- **Aïna TV** (not affiliated with the Aïna media NGO) is a private terrestrial and satellite television station broadcasting from Sheberghan, the capital of Jowzjan province. It is backed by the Uzbek leader, General Dostom and has a number of hours in the Uzbek language with an emphasis on ethnic Uzbek culture and politics. It has viewers in northern Afghanistan as well as Kabul.
- **Ghorian TV**, is a private television station launched and funded by a local entrepreneur and based in Ghorian (Herat province).

- **Ariana** TV is a new channel that entered the market in August 2005. It is owned by the AWCC mobile company. Its reporting and presentation has already made it popular with some viewers. Ariana's owner is planning to enhance the channel's coverage in the coming months.

Though nascent, the private television stations such as Tolo and Aina are very active and, together with FM radio stations established in recent years, are gradually winning audiences, showing greater responsiveness to Afghan information and entertainment needs.

Print Media

Print media is beyond the reach of a large percentage of the population in Afghanistan. High illiteracy rates (over 60 percent) and difficulties distributing the national papers printed in Kabul limit their impact on the national level. The total daily circulation of national papers in Afghanistan, which has a population of roughly 25 million, is far less than the 50,000 copies that newspapers claim, according to experts.

iii. Regulatory and Legal Framework

While the Afghan mass media has made steady progress in the past few years, there are still a number of regulatory and legal obstacles that prevent it from becoming more dynamic and acting as an effective democratic watchdog. In particular, there are essential structural, regulatory and legal issues including content, management and coverage that must be addressed in order for the Afghan media to benefit from its new found freedom and quantitative growth.

In 2004, the Government adopted a media law that, among other things, authorized the establishment of a National Commission of Electronic Media Broadcast. This body's mandate was intended to focus solely on policy making and regulation. Unfortunately, however, misunderstandings have led the body to assume an executive managerial role within Radio Television Afghanistan rather than meeting the challenge of providing the direction and leadership needed by the Afghan mass media.

Some of this confusion was the result of ambiguity in the media law itself, which does not adequately address the need to distinguish between policy-making bodies, regulatory authorities and media operators.

The authorities in the Ministry of Information and Culture have recognized the shortcomings of the media law and plan to revise it. The Commission strongly endorsed the adoption of a new media law to establish an appropriate legal environment and regulatory structure, including an effective and permanent mass media regulatory body. The revised law should also facilitate the establishment of a genuine public broadcasting service in Afghanistan.

iv. Media Commission and the Media

The relative youth of the Afghan media led the Media Commission to emphasize education and capacity building in the area of content development and ethics, rather than relying solely upon the application of sanctions for violations of the Mass Media Code of Conduct.

To do this, the Commission embarked on a series of seminars and workshops in Kabul and in the key regional and provincial centres including Gardez, Khost, Jalalabad, Kandahar, Herat, Kunduz, Takhar, Mazar-e-Sharif and Bamyán.

Candidates' forums addressed questions on the SAP system and the content of their messages; suggested ways to avoid defamatory statements and practices contrary to the Afghan constitution and other laws; and provided guidance on the best use of allotted advertising time.

A persistent and unfortunate lack of debate and in-depth coverage of the electoral process led the Commission to establish additional interactive workshops for journalists, editors and media managers held in partnership with Internews/Nai, RTA, UNAMA and the Ministry of Information and Culture. These workshops covered the SAP contract, ethics and skills of journalism and the Mass Media Code of Conduct. An increase in electoral coverage appears to have been the direct result of these workshops.

Following the elections, the Media Commission held two seminars on topics including a framework for separating policy making, media regulation and media operators.

III. Media Commission Activities

A. Media Monitoring

An extensive media monitoring program was conducted to provide information to the Media Commission regarding whether candidates gained fair access to the media, whether and to what extent candidates utilized the Sponsored Advertisement Program, and whether the media abided by the legal provisions ruling the mass media during the election campaign.

Based on international standards, the methodology of the media monitoring program recorded the amount of time dedicated to the actual broadcast of candidates' messages on television and radio as well as instances when candidates were mentioned or quoted by someone else, in both informational programs and non-news broadcasts. Broadcasts were also evaluated to determine if candidates were presented in positive, neutral or negative light.

The Media Monitoring Operation was outsourced to an Afghan consulting firm, Inkeshaf Consulting with the aim of building capacity in the field of media monitoring. During July 2005, a total of 59 monitors received training in Kabul on topics such as setting up a monitoring unit, monitoring methodology, data entry, and transfer of reports to headquarters. An additional nine monitors were trained locally at their respective duty stations, making a total of 68 media monitors employed to monitor 47 broadcast outlets throughout the country and ten print publications. The monitors reflected the ethnic diversity of Afghanistan including Pashtuns, Tajiks, and Hazaras. Twelve monitors were women.

The monitors were located in 17 provinces where Inkeshaf established a total of 21 offices (including the Kabul headquarters). For headquarters and the provincial offices, a total of 37 radio receivers, 15 television sets, 52 video recorders, 32 computers, and 18 generators were purchased.

Monitored media outlets consisted of:

Kabul

1. RTA TV
2. TOLO TV
3. Afghan TV
4. AINA TV
5. Ariana TV
6. RTA Radio
7. Radio Kabul
8. Radio Killid
9. Radio Arman
10. Radio Zafar
11. Radio Qarabagh

Badakhshan

12. Radio Amo

Baghlan

13. RTA Baghlan TV
14. RTA Baghlan Radio
15. Trajmir Radio

Balkh

16. RTA Balkh TV
17. RTA Balkh Radio¹
18. Rabeia Balkhe Radio
19. Naw Bahar e Balkh Radio

Bamyan

20. Radio Bamyan

Ghazni

21. RTA Ghazni TV
22. RTA Ghazni Radio
23. Ghaznawian Radio
24. Radio Ertibat
25. Radio Jaghori

¹ No candidate was covered during the campaign.

Ghor

26. Radio Saday Adalat

Helmand

27. RTA Helmand Radio
28. Radio Sabawoon

Herat

29. RTA Herat TV
30. Radio Sahar

Kandahar

31. RTA Kandahar TV
32. RTA Kandahar Radio
33. Afghan Azad Radio

Khost

34. RTA Khost Radio
35. Sul-e-Paigham Radio

Kunduz

36. RTA Kunduz TV
37. RTA Kunduz Radio¹
38. Radio Zuhra

Logar

39. Radio Milli Paigham
40. Istiqlal Radio

Nangarhar

41. RTA Nangarhar TV
42. RTA Nangarhar Radio
43. Sharq Radio

Parwan

44. Radio Sada-e-Sulh

Takhar

45. RTA Takhar TV
46. Takharistan Radio

Wardak

47. Da Yawali Ghaq Radio

Printed Media

48. Anis
49. Hewad
50. Eslah
51. The Kabul Times
52. Panjara
53. Erada
54. Seerat
55. Arman-e-Milli
56. Cheragh
57. Kabul Weekly

B. Compliance with the Mass Media Code of Conduct

The Media Commission's mandate is outlined in Article 51(1) of the Electoral Law which provides the Commission with the jurisdiction to deal with complaints and breaches of fair reporting during the electoral process.

The Mass Media Code of Conduct established the rights and duties of the mass media with regards to the elections such as the right of freedom of expression; the duty to not broadcast or print any information likely to incite violence, or provoke hatred, or discrimination; the duty to seek the truth and provide fair, balanced, accurate and impartial reporting; the duty to ensure that information on the electoral process is widely disseminated. Please see Appendix 2 for the document in its entirety.

On 17 July 2005, the JEMB issued a *Regulation on the Establishment of the Media Commission and Mass Media Coverage of the Elections*. According to this Regulation, the Media Commission was to "address complaints alleging breaches of fair reporting and coverage of political campaign, or other violations of the Mass Media Code of Conduct."

Any individual who believed that a violation of this Regulation or the Mass Media Code of Conduct had occurred was invited to submit a complaint to any JEMBS Provincial Office, to the JEMB, or to the Media Commission's headquarters in Kabul. The Commission determined whether the matter was within its jurisdiction, adjudicated when applicable and issued written decisions in accordance with its Rules of Procedure.

The Media Commission Rules of Procedure state the necessity for a quorum, established when three members were present, to be in place in order for a decision to be binding. Decisions were taken based on a majority vote of the members present; when a majority could not be reached, the decision was taken by the presiding Commissioner.

The relatively low number of complaints received pertaining to the SAP and breaches of Mass Media Code of Conduct appear to have been due to the Commission's workshops and forums for candidates and journalists, which aimed to ensure that the rules governing campaign coverage were clearly understood.

According to the article 8 of the Regulation, the Media Commission had the right to apply the following sanctions and penalties in the case of a violation of the regulation:

- a) issue a public reprimand to the individual or the Mass Media outlet involved;
- b) issue an order requiring the violator to publish a correction drafted by the Media Commission;
- c) require its decision to be published by the violator;
- d) order retraction or right of reply; and
- e) refer the matter to the Electoral Complaints Commission or the Public Prosecution Office.

C. The Sponsored Advertisement Program (SAP)

The Media Commission faced the formidable task of developing a mechanism to provide equitable media access to 5,800 candidates in the *Wolesi Jirga* and Provincial Council elections.

It was evident that such a large number of candidates could not be accommodated through normal election campaign journalism or through free Party Election Broadcasts.

Normal editorial campaign coverage would not be able to include the vast majority of candidates, who would otherwise be without any voice in the media; Party Election Broadcasts were no help either, because under the SNTV system, political parties were not an explicit part of the election. Although a candidate was permitted to state a political affiliation, under the electoral system each candidate ran as an independent candidate.

Nor was it a solution to ask media outlets to run candidates' messages without payment, since not only private stations but most of the provincial affiliates of RTA lacked the basic resources to guarantee universal support for such a system.

Therefore, it was decided that a program should be developed under which each stakeholder would play a role and have the appropriate incentives to implement the system conscientiously.

International donors were asked to donate funds to pay participating stations for each candidate message broadcast; with the donors' approval, an independent administrator was identified to handle all payments.

Contracts were entered into with all the major radio and television stations, state and private, and most of the small stations for a total of 84 participating media outlets. This figure includes broadcast outlets that are part of a bigger station, provided they had a local studio as well as a programming stream different in the province from that of central programming.

Based on these contracts, a small advance was provided to each outlet to provide them with adequate resources to implement the Sponsored Advertising Program (SAP). Candidates were given the choice of one television or radio station in their province to broadcast their message, and guidelines were provided to the stations and candidates so that the system would be implemented uniformly throughout the country.

The Media Commission maintained authority and control since each message required prior authorization by the Commission as well as release of payment to the station.

Through this method:

- Candidates were provided with incentive to use the program as an important campaign tool.
- Broadcasting stations were encouraged to solicit as many candidates as possible to use their station for this purpose.
- Any disputes about the content of a message would be adjudicated by the Media Commission in order to prevent censorship by the stations and to reduce, if not entirely remove, local political pressures.

As a result of decisions of the JEMB and the Media Commission, the allotment of time to candidates during the electoral campaign was determined to be:

- For *Wolesi Jirga* candidates, five minutes twice on radio, OR two minutes twice on television;
- For Provincial Council candidates, four minutes once on radio, OR two minutes once on television.

An extensive list of stations was made available for candidates, on a province by province basis, except for Kuchi candidates who were allowed to choose any station from the list OR the national coverage offered by RTA, because the Kuchi candidates' constituency covered the entire country.

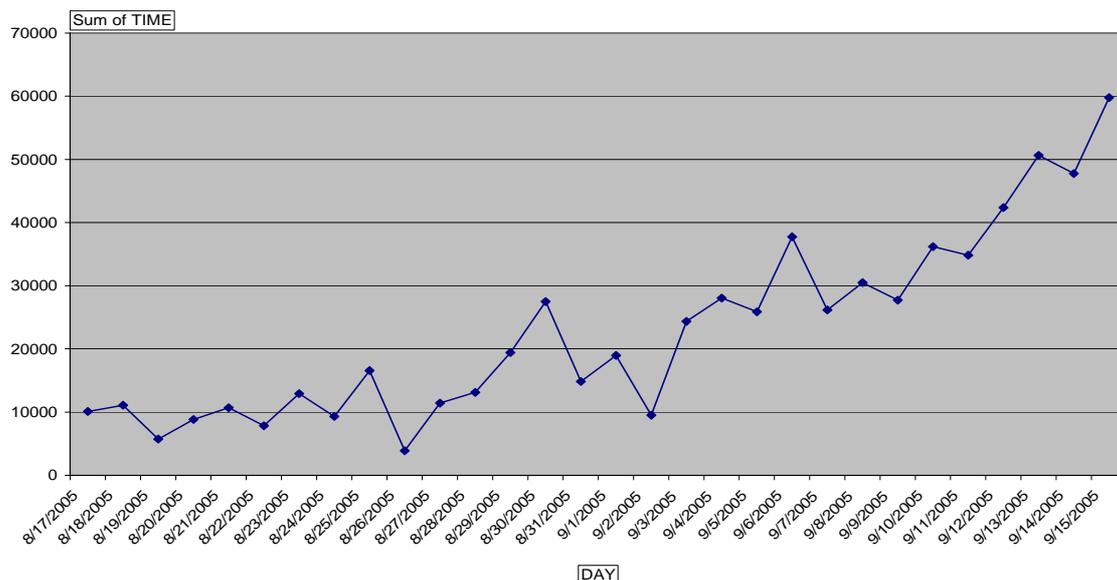
IV. Analysis

A. Media Monitoring

During the electoral campaign, the total amount of airtime dedicated to the candidates increased from an average of about five minutes per day in the first two weeks to an average of eight minutes per day per broadcaster (chart 1). Before the campaign began, the amount of time averaged only two minutes.

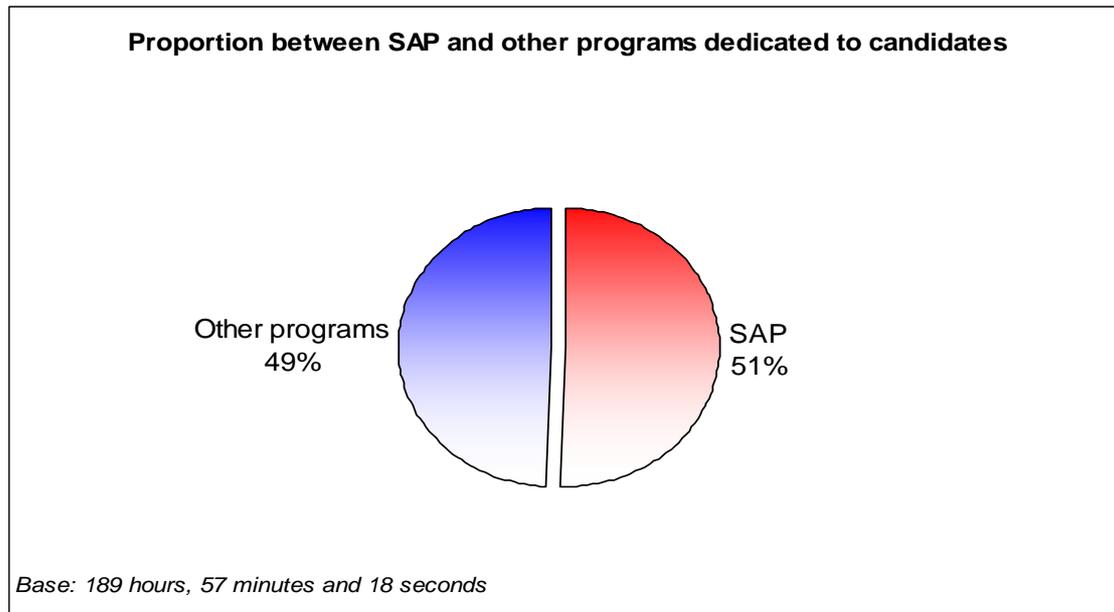
Chart 1

Trend of the airtime dedicated to the candidates during the election campaign 17 August - 15 September, 2005



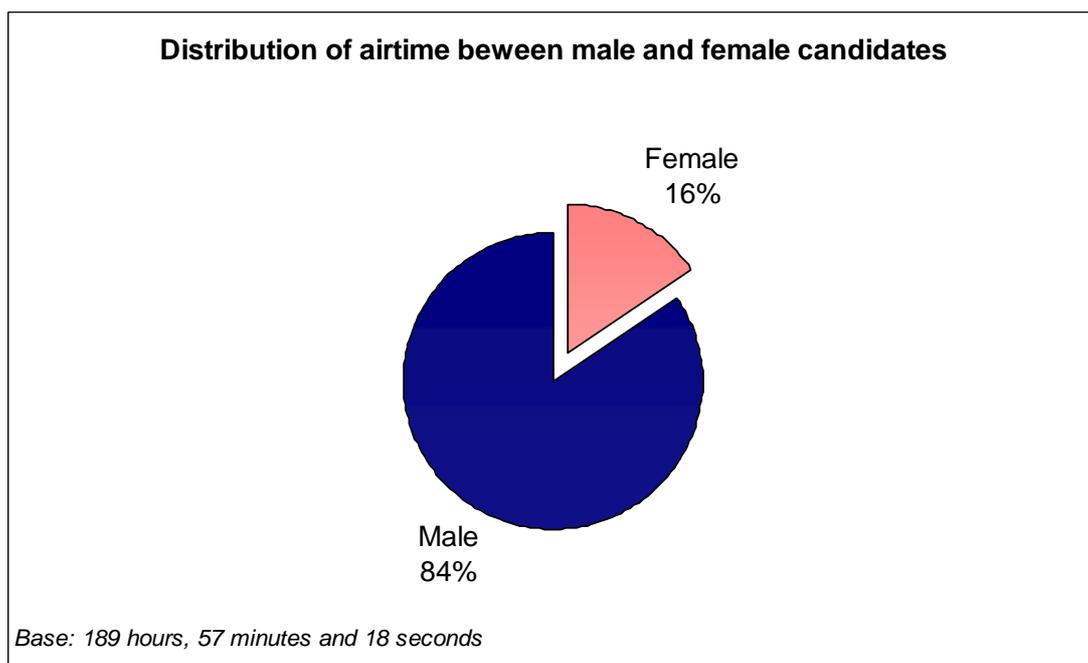
The increase was due primarily to the SAP which accounted for at least half of the airtime dedicated to candidates (chart 2). Most candidates preferred to take advantage of their SAP entitlement in the last two weeks of the election campaign. However, the increase in time devoted to candidates also reflected increased interest in and coverage of the election as the campaign progressed. As discussed in the section on the media's role in the 2005 Elections, below, the Media Commission devoted much of its efforts to encouraging the mass media to expand the amount and sophistication of its electoral coverage.

Chart 2



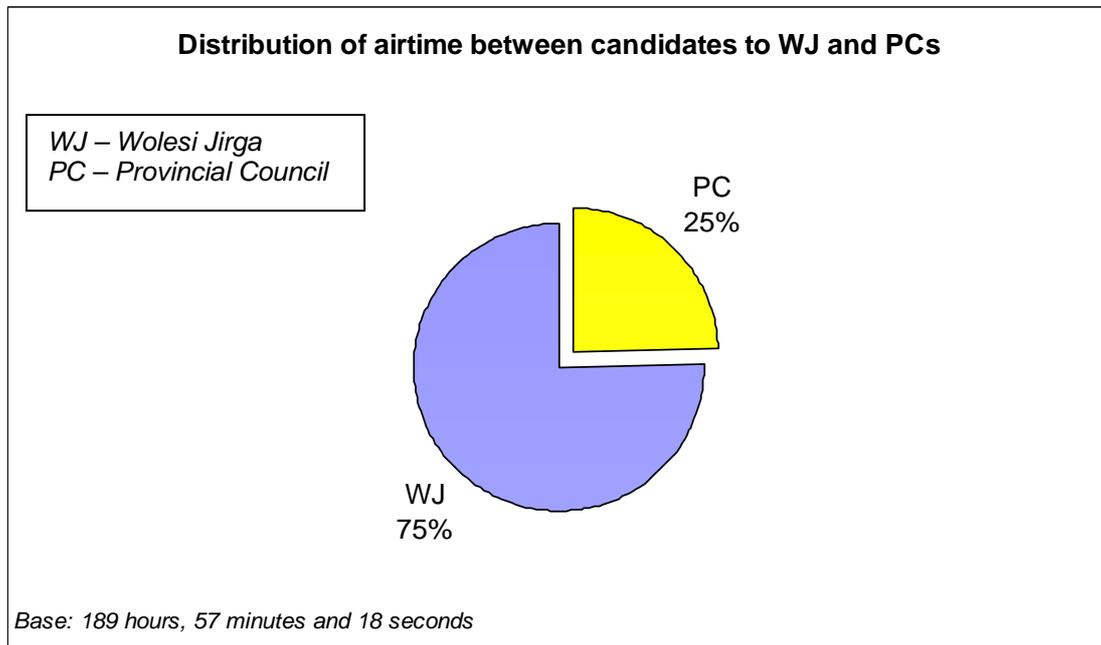
In general, of the entire amount of airtime dedicated to candidates, 16 percent of this was dedicated to the coverage of female candidates (chart 3). In provinces where monitoring was conducted, the total percentage of female candidates was 10 percent.

Chart 3



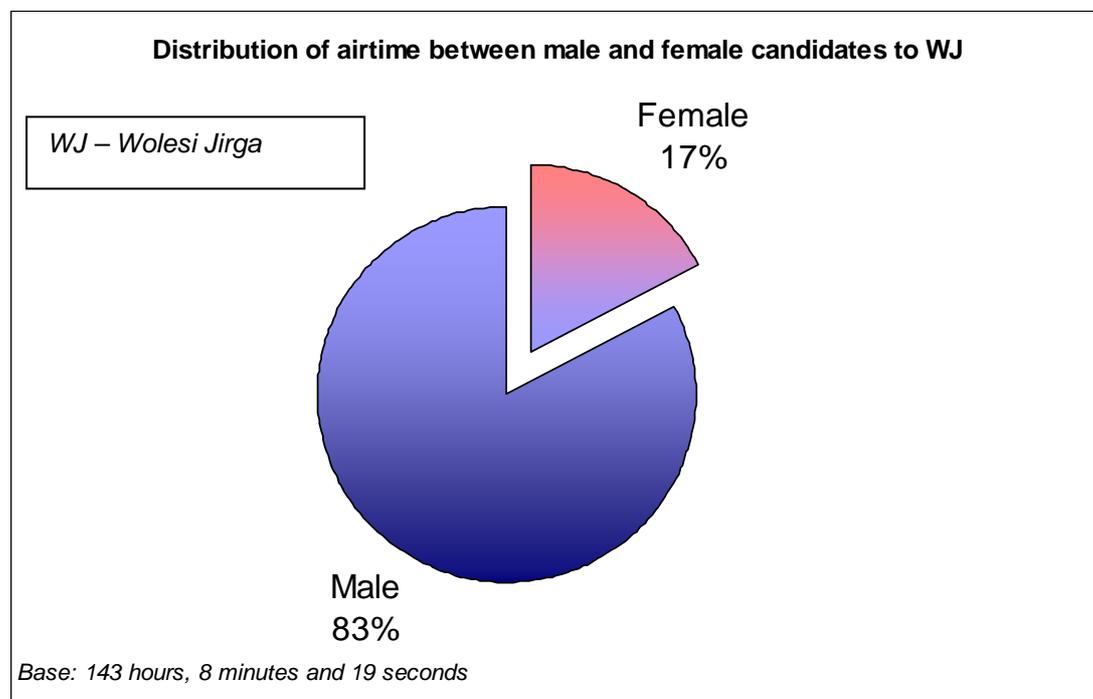
Of the total amount of airtime dedicated to candidates, one quarter was given to candidates running for the Provincial Councils (chart 4). In monitored provinces, the number of candidates running for the *Wolesi Jirga* and Provincial Councils was about the same.

Chart 4



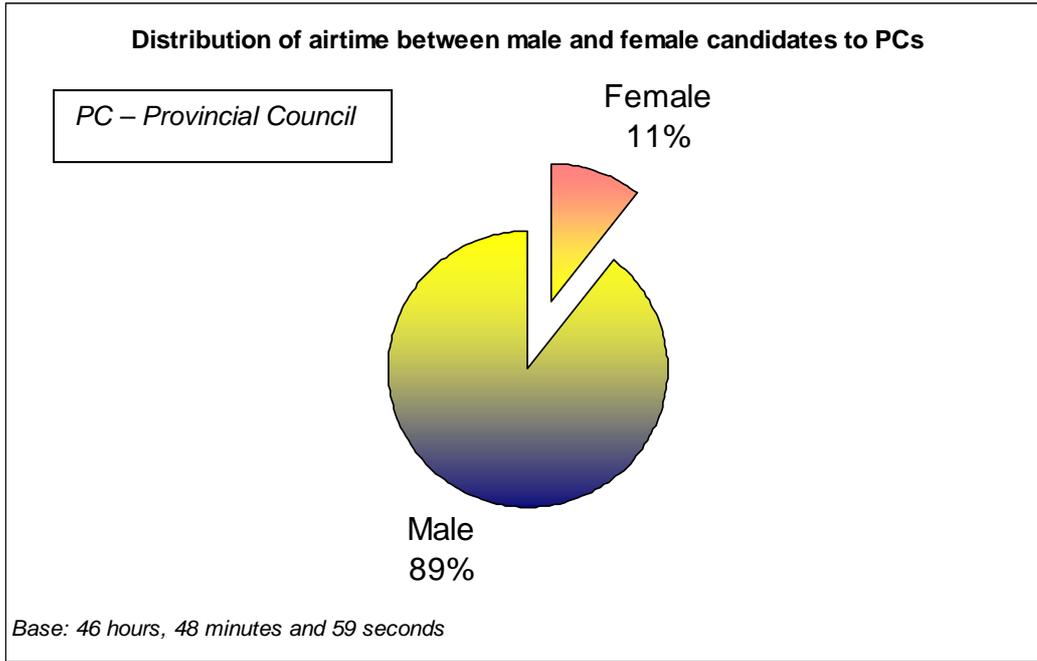
Of the total airtime dedicated to the candidates for the *Wolesi Jirga*, 17 percent focused on female candidates (chart 5). In the monitored provinces, 12 percent of all *Wolesi Jirga* candidates were female.

Chart 5



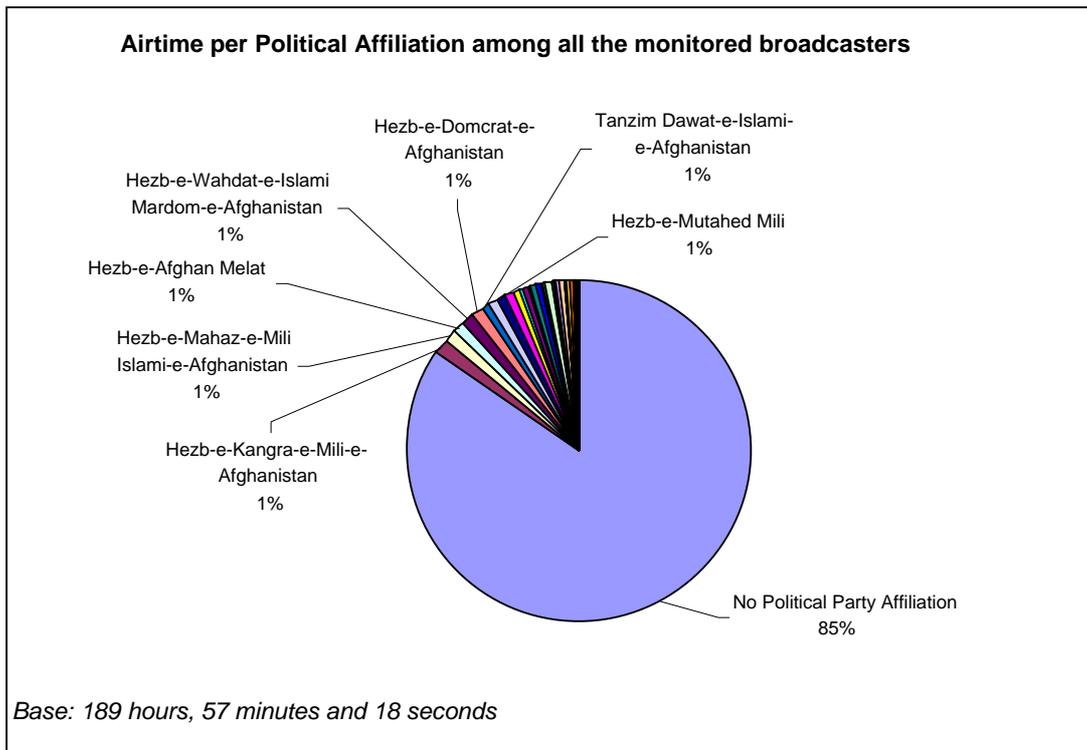
Of the total airtime dedicated to candidates for Provincial Councils, 11 percent was given to female candidates (chart 6); nine percent of the total number of candidates running for the Provincial Councils in the monitored provinces were female.

Chart 6



The distribution of the airtime per political affiliation among all the monitored broadcasters corresponds almost perfectly with the number of candidates who specified a political affiliation (that is, candidates who specified a political affiliation accounted for 15% of candidates and they received 15% of the overall airtime dedicated to coverage of candidates (chart 7).

Chart 7



Overall, there was a dramatic increase in the amount of airtime given to candidates as well as an even distribution among those running. Without SAP, the number of candidates able to advertise on radio or television may have been significantly lower. The resulting range of opinions expressed and the number of candidates represented in the media was significantly higher than what it might have been otherwise.

The tone of the electoral coverage was generally neutral or positive, both as regards specific candidates and the election in general. There was not a single incidence of speech contrary to the Mass Media Code of Conduct (i.e. speech that incites violence, or religious or ethnic hatred).

The final report of the Media Monitoring Program contains analysis of election coverage by station and candidate. It can be found at www.jemb.org/media_commission/.

B. Compliance

The Media Commission adjudicated fifteen complaints during its term of office.

i. Complaint by one media organization against a JEMBS staff member.

- On 22 August, the director of Aina TV submitted a complaint alleging that a JEMB staff person had pressured candidates to use RTA instead of Aina for the SAP program. The Media Commission determined that allegations against a JEMBS staff member were outside its jurisdiction and referred the matter to the JEMBS for investigation.

ii. Complaints by candidates concerning the implementation of the SAP.

Four complaints were received from candidates about the implementation of the SAP.

- On 23 August, a candidate for the Provincial Council claimed that the Internews Radio station, *Zafar Paghman*, broadcast what he understood to be an interview as a sponsored advertisement. After listening to the recording, the Commission found that this was in fact a sponsored advertisement, a fact that the candidate must have been aware of, and dismissed the complaint.
- On 10 September, a Wolesi Jirga candidate lodged a complaint against Radio Voice of Women for broadcasting his message without explaining the procedures for the SAP to obtain his informed consent. The Commission found the complainant had already received his entitlement since the message had already been broadcast twice and dismissed the complaint.
- On 11 September, a Provincial Council candidate complained that she was only allowed to speak on the radio for four minutes but that she was not allowed to appear on television. The Commission dismissed the complaint and advised the complainant that candidates were entitled to either airtime on television or radio, but not on both.
- On 12 September, a candidate complained that RTA Ghazni had requested her authorization for an advertisement without her consent. After extensive investigation the Commission found that the candidate had voluntarily offered her message for broadcast and it had been broadcast; the complaint was dismissed.

iii. Complaints by candidates against mass media organizations regarding their journalism or ethical behaviour.

Three complaints by candidates against Mass Media Organizations alleged their journalism or ethical behaviour had misled the public.

- On 23 August, the Director of *Solay Paighman* Radio claimed that on 21 August, representatives of Radio and Television Afghanistan (RTA) in Khost province invited candidates to the guesthouse of the Governor to produce their advertisements which would be influenced by the local governmental authorities. A Media Commission investigator reported that a meeting was held at the governor's house because of security requirements and candidates denied they were intimidated; the case was dismissed.

- On 17 September, a candidate complained that a book entitled, 'Candidates of the Wolesi Jirga from Kabul Province,' erroneously stated that the candidate had withdrawn his candidacy. This book had been discussed on an RTA TV station; the Commission advised the station to broadcast a correction.
- On 28 September, *Bakhtar* News Agency (BNA) reported that a candidate had distributed campaign materials during the Campaign Silence Period. Her denial was only reported by BNA the following day after she complained. The Commission wrote a warning letter to BNA advising it to ensure the right of reply was offered in the same report in such cases.

iv. Complaints brought by the Media Commission's Media Monitoring Unit.

- Two candidates from Parwan Province were interviewed by Radio *Sada-e-Sulh*, one being the owner of the station, for a significantly greater amount of time than permitted. The Commission found this to be true resulting in a conflict of interest and required the station to read an explanatory statement prepared by the Media Commission four times within 12 hours of receiving it.

The Media Monitoring Unit filed five complaints to the Commission against the RTA, Afghan TV, Ariana TV, Tolo TV and Killid Radio alleging interviews with candidates were broadcast during the Campaign Silence Period. After hearings, the stations were all required to broadcast an apology written by the Media Commission.

v. Complaint referred by the Electoral Complaints Commission

- On October 17 the Media Commission received a complaint from the Electoral Complaints Commission that was brought to them on September 7. A candidate alleged that Tolo TV had given too much time to some candidates in a roundtable discussion, and asked that Aina TV broadcast a program about her. The Media Commission found that the roundtable violated no rules and that the Commission does not order stations to broadcast specific programs other than corrections, judgments or rights of reply. Accordingly the complaint was dismissed.

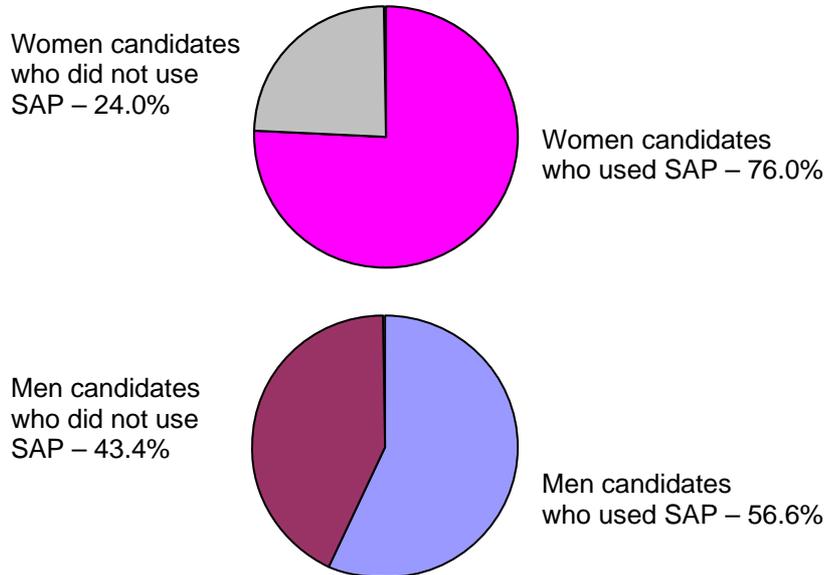
C. Sponsored Advertisement Program

The Sponsored Advertisement Program was one of the highlights of the Media Commission's activities and achieved a significant range of objectives. The Program was highly effecting in controlling the use of money by candidates for television and radio advertising – there was no spending on advertising by candidates themselves to purchase campaign advertisements.

Candidates in all categories made widespread use of the system, indicating that they saw it as a valuable campaign tool. A large number of candidates, 3,203,, participated, excluding Uruzgan, whose communication had not reached the Commission by the time of going to press.

Female candidates embraced the system to an even higher degree than men – 76.0% percent of all female candidates participated compared with 56.6% percent of all male candidates. This appears significant because women faced exclusion from some of the more common campaign venues available to men, such as mosques and even schools.

Percentage of men and women candidates who used SAP
Afghanistan Parliamentary Election 2005



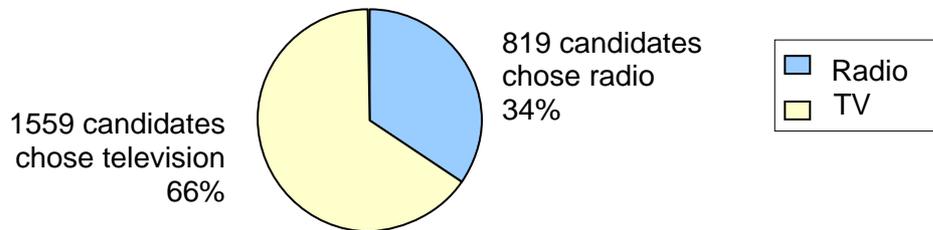
The program had a strong capacity building effect in a number of ways. For example, broadcasters gained experience in running a large advertising program efficiently, because they were given the incentive to do so. Technically speaking, they learned to apply a contract with specific legal, accounting and regulatory requirements, thereby recognizing and accepting the Rule of Law. Broadcasters also recognized a rule-making body as non-partisan, applying professional standards and sanctions which were acknowledged and accepted; in doing so, very few complaints against stations were submitted. Generally, it was felt that broadcasters responded to a healthy competitive atmosphere and vied to provide better service to attract candidates.

Candidates learned to make political advertisements. For most, this would have been their first such experience presenting the essentials of their campaign in a short, practical and manageable length. For many candidates this was their only accessible campaign tool - it was free and stated the rules clearly. This may be why it appears to have been used by all categories of candidates, including Kuchis.

Candidates made an overwhelming decision to use TV in preference to radio, where they had the choice, by a margin of 66% to 34%. This was especially interesting given that on radio they were offered five minutes per message, compared with only two minutes for television. Many candidates had complained that even five minutes was too short in the Afghan political culture.

The SAP also proved advantageous for the constituency. Voters had an opportunity in the comfort of their homes to learn about the programs for improving their lives and evaluate candidates and their approach to issues.

TV versus Radio and SAP
For candidates who had a choice
 Afghanistan Parliamentary Election 2005



An additional 825 candidates were limited to the medium available at local level, and did not have a choice

The SAP created a wealth of data about the emerging Afghan political and media cultures, including how candidates often preferred television despite research indicating radio was more widespread, and how efficient different media outlets were.

For all of its accomplishments, the SAP did have a number of shortcomings that need to be addressed. The Program was ineffectual in a number of provinces that lacked provincial broadcasters. It was therefore deficient in provinces where communication remains a significant challenge. Even in provinces that had stations, some stations' coverage areas were small. This is particularly true of some private radio stations.

Many candidates used the service less than optimally to maximize the opportunity. While the SAP appears to have created a high expectation for future elections, a great deal of thought will need to be given as to how this can be sustained in the future.

D. Media's role in the elections in 2005

Despite the wide reach of media output in most of the country throughout the electoral campaign, there was a singular lack of focus on the relevance of the electoral process on the lives of the populace. Television and radio broadcasters, as well as the print media, seemed more comfortable distributing Public Service Announcements on behalf of the JEMBS than contextualizing electoral issues and initiating major public policy debates.

As the lack of critical media coverage of the election became apparent, the Media Commission responded by attempting to encourage the media to expand their coverage. Media Commissioners met with media representatives throughout the country to underline the important role of the media in democratic politics. Based on these discussions, the Commission concluded that the lack of coverage reflected uncertainty over how to cover the election and uncertainty about violating the law or appearing biased before both the Media Commission and powerful local interests.

The Media Commission attempted to educate media representatives on ethically sound ways of covering electoral politics, in particular, by encouraging roundtable discussions and other forums for multiple viewpoints on political issues. While noted improvements were encouraging, a great deal remains to be done in order to build a culture of unbiased political engagement among Afghan media.

V. Conclusions and Recommendations

Conclusions

There has been a substantial and very encouraging proliferation of media since 2001 that bodes well for the future of journalism in Afghanistan. Despite that fact that the Afghan media's coverage of the elections was varied and not as thorough as it could have been, the skills and capacity of the media continues to develop at an encouraging pace.

Advertising features supplied by the JEMBS to the media in order to disseminate essential information to the electorate may have been taken as an excuse for a large segment of the media – private and public – to abdicate their journalistic responsibility to their audiences. This was most evident in the state media with the exception of the Anis newspaper. The Commission's effort to hold seminars and visit media groups to speak directly with journalists to enhance their coverage had some limited success in fostering serious coverage of electoral issues. However, more work needs to be done to develop the capacity of Afghan media in this regard.

Lack of investment, unstructured and uncoordinated training, poor managerial habits, fear of assuming responsibility, vertical decision making approaches, the residues of past authoritarian politics and patriarchal traditional culture are all causes of the stagnation of the media and are major impediments to the birth and management of a truly creative media in Afghanistan. This is particularly true with regards to state media.

To counter this, the new generation of Afghan journalists and media managers who have appeared on the scene over the past few years are intelligent, committed and have good ideas on how to move forward.

The Afghan Media are generally willing to participate in a system of media regulation. They are particularly eager to learn about the legal requirements with which they must comply.

Broadcasters embraced the SAP and implemented it successfully within the guidelines set by the Commission.

The ban on paid television and radio campaign advertising was well received by a large number of members of the public, and was successfully adhered to by broadcasters.

The media also adhered to the regulations for election coverage with minor exceptions.

Recommendations

1. The composition of the next Commission should include one international member as a commissioner or advisor. The Commission should be an independent regulatory body, if it is part of a permanent independent media regulatory commission. If not then it should stay within the Independent Electoral Commission (IEC). It is appropriate for complainants to have the right of appeal to the IEC or other body.
2. The future Media Commission will have to start its work four months before the election.
3. The Commission should have a set budget and a wider mandate to be present in key geographic regions and to include training for elections coverage and debate about elections in regional centres. The budget should be invested in capacity building and training of the media under the Commission.
4. Members of the Commission should be recruited from amongst the most highly qualified professionals; they should be independent and reputable for public service commitment. This requires ample preparatory time to be able to advertise, recruit and interview qualified candidates.
5. In a country with strong oral and religious tradition, incorporating mosques and places of public gathering for the dissemination of public information regarding media and the elections should be considered by the Commission.

6. Media monitoring should be outsourced to a local company as it was this year.
7. The Commission should be proactive in educating the media community about the Code of Conduct, etc. This was successfully done this year as evidenced by the low number of complaints submitted.
8. The mandate of the Media Commission should include monitoring and supervision of coverage of the release of results.
9. Regulatory language should be clear, concise and more specific regarding SAP and other media-related activities.
10. The SAP applies well to the SNTV system. If the electoral system is changed, the SAP will need to be re-examined.
11. The Commission should produce a jingle to standardize identification at the beginning and end of each candidate message – possibly the first few bars of the national anthem.
12. Funding should be sought to secure the SAP audio and video advertisement spots in the IEC archive, the parliamentary archive and one other location to ensure that these valuable and historic recordings are preserved.
13. The Commission should have the right to apply financial sanctions. This right should be exercised extremely judiciously. Financial incentives can also be used to encourage compliance with ethical and legal standards.
14. Sections of the Electoral Law related the Commission, its mandate and its powers should be updated.
15. No restrictions should be placed on the amount of campaign advertising allowed in the private print media during the electoral campaign. No state print media should be permitted to run campaign advertisements.
16. The private and state TV and radio ban outside the SAP should remain in place. Following the policy adopted in the 2005 election, no one should be able to by ads on TV or radio outside the SAP.
17. The Campaign Silence Period should be reduced in its timescale, and begin closer to opening of the polls than was the case this year.
18. Any Media Regulator should focus on education and capacity building as much as on sanctions as a means of ensuring compliance with the rules.

For the young and energetic segments of media to succeed and act as agents of change to bring about a vibrant media environment, a number of steps will have to be taken by Afghan authorities and supported by the international community:

1. Clear structural separation must be effected between policy making, regulatory and operational bodies with clear mandates and transparent appointments for their professional membership.
2. Media related laws i.e. defamation, copyright, freedom of information, taste and decency etc. should be introduced to ensure a safer media environment.
3. An independent public broadcasting service should be established to reflect the unity and diversity of a pluralistic and democratic Afghanistan.
4. Minimum public service duties for the private media need to be set.
5. Structured on-the-job training schemes should be organized for media content providers, editors and managers.
6. Capacity building should be a priority among officials dealing with the media, such as spokespersons and public affairs people, in order to enhance their understanding of media and public affairs in a democratic society.

The new media law, should it be approved, would go a long way to address some of the above issues. However the other issues mentioned above will have to be addressed before we could reasonably expect a better coverage of the future elections by the Afghan media.

MEDIA COMMISSION FINAL REPORT
APPENDICES

Appendix 1: Mass Media Code of Conduct

Freedom of expression, including the constitutional right to receive and impart information, is a prerequisite for free and fair elections. In order to enable citizens to make informed and democratic choices, the Mass Media has a heightened responsibility to provide accurate and impartial information to the public throughout the electoral process. For these reasons, in its coverage and reporting during election periods the Mass Media shall comply with this Code of Conduct and the Regulations issued by the Joint Electoral Management Body (JEMB), in accordance with Article 56 and 57 of the Electoral Law, and other relevant provisions of the Constitution of Afghanistan and the Law on Mass Media.

The Mass Media plays an essential role in the democratic process. It is imperative that they be afforded the highest level of access to election-related events, access to information, and protection from all forms of harassment and/or intimidation as reasonably possible at all stages of the electoral process, in accordance with the Law on Mass Media and any other Regulation, Procedure or Guideline issued by the JEMB.

The legal and ethical standards described in this Code of Conduct are intended to guide the activities of members of the Mass Media during the entire electoral process from beginning to end, including candidate nomination, registration, political campaigning, polling, and counting. All members of the Mass Media must obey these standards and implement them with common sense and good faith. Individuals may be sanctioned by the Media Commission for violations of this Code of Conduct.

Members of the Mass Media:

1. Shall enjoy the fundamental right of freedom of expression, association, assembly, and movement so as to participate in the registration, political campaign, and election processes.
2. Shall comply with the Constitution, the Law on Mass Media, all electoral laws, and all other laws of Afghanistan, including Regulations, and Procedures issued by the JEMB and the JEMB Secretariat.
3. Shall not broadcast or print any information likely to incite violence, or provoke hatred, or discrimination on the basis of race, ethnicity, language regional origins, class, gender, and religion in connection with the election and other electoral activities.
4. Shall seek the truth and provide fair, balanced, accurate and impartial reporting that is not misleading to the public.
5. Shall ensure that information on the electoral process is widely disseminated.
6. Shall not knowingly publish, broadcast, distribute any matter or thing in relation to the electoral process which the person knows to be false or does not believe to be true and which is intended to mislead or deceive a person in relation to the free exercise of his electoral right.
7. Shall not knowingly publish, broadcast, distribute any defamatory statement in relation to the personal character or conduct of a candidate in the election and intended to prejudicially affect the prospects of that candidate at the election.
8. Shall provide equitable treatment to all political advertisers.
9. Shall report facts and figures, and clearly distinguish between facts and rumors.
10. Shall label opinions as opinions.
11. Shall avoid conflicts of interest or the perception of conflict of interest.
12. Shall not accept or demand gifts, special treatment or favors from nominated candidates, politicians, political parties, and their agents in exchange for coverage.

13. Shall correct in a prompt and prominent manner all errors of fact, as well as error of omission, and provide a right of reply to any individual or group that is the subject of an allegation.

14. Shall comply with orders of the Electoral Complaints Commission and the Media Commission, including orders to broadcast and print a correction or retraction.