

The following is a draft media law on party political broadcasting and media coverage of elections, designed for post-conflict countries, with an aim of encouraging peaceful, informative political speech leading up to elections, drafted by Matthew Weldon, Esq.

THE LAW OF THE REPUBLIC OF [SOVEREIGN] “ON PARTY POLITICAL BROADCASTING AND MEDIA COVERAGE OF ELECTIONS”

CHAPTER I GENERAL PROVISIONS

ARTICLE 1 THE SUBJECT OF THE REGULATION OF THIS LAW

This present Law defines the status of party political broadcast programs, obligation of government-owned media to broadcast such programming as well as Election education programming, right to party access, and regulation of its use, allocation, management, and coverage by media networks.

ARTICLE 2 THE LEGISLATION OF THE REPUBLIC OF SOMALILAND ON PARTY POLITICAL BROADCASTING

This Law comprises other laws and legal norms of the Republic of [Sovereign], such as current [press law] and [election law]. If this present law provides for regulation of broadcasting and media coverage during elections conflicting with those stipulated by current election and press law, the norms of this present law shall prevail.

ARTICLE 3 MAIN CONCEPTS AND TERMS USED IN THE LAW

Section I: The following main conceptions are used in this law:

- (1) Party political broadcast programs** – debates, press conferences, party productions, political spots, general news coverage, and voter education productions.
- (2) Political parties** – includes the three leading parties represented in the parliament elections (presently (1) [party name], (2) [party name], and (3) [party name]). Also Includes all parties represented in local elections.
- (3) Media network** – any print or broadcasting organization.
- (4) Government owned media** – all government-owned and/or operated broadcaster or print media, including by not limited to [public broadcaster].

[Etc.]

ARTICLE 4

THE IMPLEMENTATION OF THE LAW

The current law applies to all governmental elections and extends to all private and government owned broadcasting media, including [public broadcaster], as well as print media.

ARTICLE 5

GOVERNMENT BROADCASTER'S GENERAL OBLIGATIONS DURING ELECTIONS

Section I: Government owed broadcasters shall have the duty to educate the public regarding the election process, voter registration, and other election information vital to creating robust voter participation.

Section II: They shall also have the duty to broadcast opposition views during election periods and provide balanced and impartial coverage of all campaigning.

Section III: They shall also have the duty to place limitations on editorial coverage of the elections before the election.

Section IV: They shall also ensure that there be no party political broadcasting on any media network twenty-four (24) hours before the scheduled election.

ARTICLE 6

GENERAL RIGHTS OF POLITICAL CONTENDERS

Section I: Candidates, including parties, incumbents, and candidates, shall have the right to express their messages without inappropriate editorial interference.

Section II: They shall also have the right of access to time on government owned broadcasting for election and campaigning purposes.

Section III: They shall also have the right to reply and to make corrections or retractions in government media.

ARTICLE 7

ADMINISTRATION

Section I: All programs and spots shall be transmitted under the auspices of the Ministry of Information on [public broadcaster]. If other appropriate forums arise, this present law shall also govern them.

Section II: The National Election Commission (hereinafter “Election Commission”) shall enforce this law and have the duty to appropriately censor violations.

ARTICLE 8

ABDICTION

Neither the Election Commission nor Ministry of Information will accept any responsibility for any interference with or breakdown of the radio services and cannot bind themselves to repeat any broadcast that suffers as a result of such interference or breakdown.

CHAPTER 2

SPECIFIC PROCEDURES

ARTICLE 9

ALLOCATION OF AIRTIME

Section I: *Presidential and Parliamentary Elections*

The Election Commission shall apportion [X] minutes of airtime proportionally by their number of seats in parliament between the three political parties represented in the parliament elections.

Section II: *Local Elections*

For local elections, the Election Commission shall determine proportionality by the support a particular party has.

ARTICLE 10

SCHEDULING

Section I: Press conference, party productions and political spots will be transmitted on dates that shall be selected by the parties taking part in this scheme.

Section II: All other programs that form part of the scheme will be transmitted on a schedule set by the Election Commission.

Section III: The Election Commission shall make every effort to issue a press release to give advance publicity on the broadcasting programs provided adequate notice is given.

ARTICLE 11

AIRTIME REQUESTS

Requests for airtime shall be made to the Election Commission and conveyed either by hand during office hours or by fax. Airtime will be granted on a first come first served basis provided block airtime bookings are limited to one week.

ARTICLE 12 NOTIFICATION

In all programs where the Election Commission requires advance information about speakers and choice of subject, the party choosing the subject and speaker/s shall supply the required information in writing to the Election Commission by not later than noon on the Friday preceding the day of broadcast. Failure to comply with this rule may entail the forfeiture of the broadcasting. Where necessary the Election Commission will inform the other party about the subject and speaker(s) selected not later than the following working day.

ARTICLE 13 UNUSED AIRTIME

Section I: Airtime programs and for political spots which is not utilized by the party concerned either on the date such airtime is booked or allocated or by the expiry date or the period of time reserved for this scheme will be forfeited.

Section II: If a political party fails to participate in any program mentioned herein, the Election Commission will ensure that the party fully participating in the scheme will not lose any of the airtime allotted to it.

ARTICLE 14 CHOICE OF SUBJECT

In selecting a subject for those programs that require one, parties shall be guided by the need to inform and educate public opinion on specific matters and choice of titles must be consistent with the spirit of this rule.

ARTICLE 15 AUTHORITY

Section I: Political party representatives, and all those taking part in this series, must abide by the provisions of the law and rules issued by the Election Commission from time to time and by any order or directive given by the presiding Chairperson or interviewer.

Section II: All programs that form part of this scheme may be carried by another station – apart from [public broadcaster] – provided that the entire scheme is so carried and the station in question is not selective in those parts that are to be broadcast.

ARTICLE 16 SUSPENSION

The Election Commission reserves the right to suspend indefinitely or for such time as is will consider necessary, any person from participating in any of the programs in the event

that such person shall have, in the Election Commission's view, committed a serious breach of the rules, particularly of Article 12.

ARTICLE 17

JUDICIAL REVIEW

The Election Commission's decisions on any point which may arise in connection with these transmissions shall be subject to judicial review.

CHAPTER 3

SPECIFIC PROGRAMS

ARTICLE 18

PRESS CONFERENCES

Section I: This section of the regulation consists of two equal-length programs allocated to each party in Article 3 Section I(2) from a total of [X] minutes proportionally the number of their elected representatives in parliament.

Section II: Press conferences are meant to be informative discussion in which a party representative answers questions and replies to points raised in the general public interests by three journalists who will be nominated by the Election Commission with input from the [one or more national journalist organizations].

Section III: A participation Chairperson, nominated by the Election Commission, shall oversee the press conferences and ensure a fair and lively discussion conducted in the public interest.

Section IV: Subjects for press conferences shall be chosen by the party requesting airtime for purpose within the scope of this article.

ARTICLE 19

DEBATES

Section I: This series of debates is made up of [X] equal-length programs allocated to each party in Article 3 Section I(2) from a total of [X] minutes proportionally the number of their elected representatives in parliament. Participation shall consist of one representative from each political party and a chairperson nominated by the Election Commission.

Section II: Debates will be conducted by the participating chairperson who starts off the program by asking once the same question to the representative of each of the political parties. The party to whom the debate is allocated shall choose the subject for the debate and shall inform the Election Commission of the subject at least one week before the date of the scheduled debate.

ARTICLE 20

PARTY PRODUCTION AND POLITICAL SPOTS

Section I: The series of political broadcasts reserves [X] minutes of airtime for party productions and political spots and time in this section is allocated by the Election Commission to each party in Article 3 Section I(2) proportionally the number of their elected representatives in parliament. Party productions may vary in format and style.

Section II: Party productions consist of a number of programs, which may vary in duration from five (5) to ten (10) minutes. Programs can be slotted at the parties' discretion on any day except [National Holidays]. Parties shall not be granted more than one program per week. No party shall be granted a party production and political spots on the same day.

Section III: Political spots vary in duration between five (5) and sixty (60) seconds but will be round off for calculation purposes in multiples of five (5) seconds. The Election Commission shall not be granted more than twelve (12) spots in any one week. Not more than three (3) spots shall be scheduled on any one day, and the Election Commission shall ensure the scheduling is equitable.

Section IV: Any pre-recorded political spots and party productions shall be provided by the parties themselves and recordings must comply with the station's technical requirements. Tapes must be delivered to the Election Commission no later than two (2) working days before the date of transmission. Failure to comply with the above time limit will amount to the non-broadcast of the said party production and political spot.

Section V: Party productions and political spots shall include the respective party logo, which will be shown throughout in a corner of the screen.

Section VI: Political spots will be scheduled during advertising breaks except for advertising breaks during news broadcasts. However, spots will not be shown immediately before or after any program in these series of party political broadcasts.

Section VII: The Election Commission is hereby directing [public broadcaster] to broadcast all party productions and all political spots without the need of vetting them.