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ZAMBIA

In 2010, as presidential, parliamentary, and local government elections scheduled for 2011 drew near in Zambia, the media came under scrutiny. The public and private media alike are commonly accused of fanning political violence, “insulting” the government, purveying propaganda, or favoring particular political parties in the allocation of airtime and column space in the run-up to any election.

Consequently, the specter of statutory media regulation hangs ominously over Zambia’s media. The government, arguing that voluntary self-regulation of the media has failed, threatens legislative action to curb perceived excesses in the media. Media members, on the other hand, argue that government has become intolerant of criticism and has reneged on the media reform process, and merely wants to impose draconian legislation to silence all critical voices ahead of the 2011 elections.

Amid this drama, the media law reform movement, which created palpable excitement among media practitioners and pro-democracy advocates in recent years in Zambia, has suddenly stalled. At the heart of the issue is the Independent Broadcasting Authority (IBA) Act, a law that has been surrounded by controversy ever since its enactment in 2002. The act was designed to create a regulatory body in line with democratic media reforms. However, optimism over what was widely viewed as progress has given way to despair. The authority has not been established to date, and the government seems bent on rewriting the law.

On July 30, 2010, the minister of information and broadcasting services, Lieutenant-General Ronnie Shikapwasha, tabled in parliament the Independent Broadcasting Authority Amendment Act, which would empower the minister to appoint IBA board members without parliamentary approval. The amendment is a repudiation of a key clause in the original legislation that compels the minister of information to ensure that an independent committee (composed of various stakeholders, including media members) appoints IBA board members. After heated debate among legislators, parliament offered a compromise. It scrapped the independent appointing committee, allowing the minister to hand pick board members but requiring the minister to submit names to parliament for ratification.

The ruling Movement for Multi-party Democracy (MMD) has a majority in parliament, which guarantees passage of any bill originating in government and now effectively allows the minister to appoint IBA board members without consultation. Many have the opinion that the so-called fresh amendments amount to a complete repeal of the progressive law passed in 2002, and a reinstatement of the arbitrary and authoritarian powers of the past. Although the MMD manifesto states that “freedom of expression and the right to information are basic human rights,” and journalists are expected to play an important role in promoting democracy and development, that is a scenario yet to be fulfilled, as reflected by key indicators in this report.

# ZAMBIA AT A GLANCE

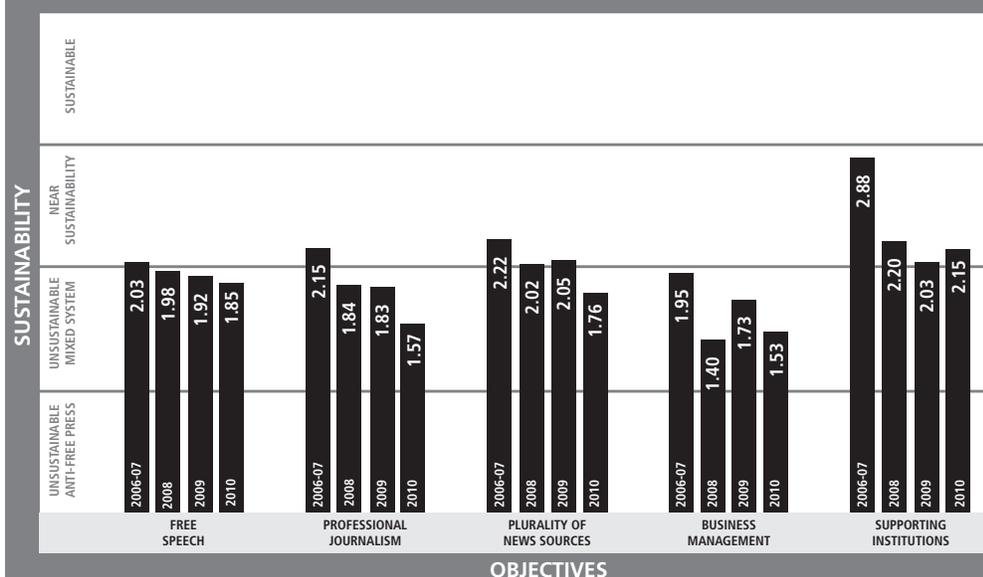
## GENERAL

- > **Population:** 14,309,466 (July 2011 est., *CIA World Factbook*)
- > **Capital city:** Lusaka
- > **Ethnic groups (% of population):** African 99.5% (includes Bemba, Tonga, Chewa, Lozi, Nsenga, Tumbuka, Ngoni, Lala, Kaonde, Lunda, and other African groups), other 0.5% (includes Europeans, Asians, and Americans) (2000 Census)
- > **Religions (% of population):** Christian 50%-75%, Muslim and Hindu 24%-49%, indigenous beliefs 1% (*CIA World Factbook*)
- > **Languages (% of population):** Bemba 30.1% (official), Nyanja 10.7% (official), Tonga 10.6% (official), Lozi 5.7% (official), Chewa 4.9%, Nsenga 3.4%, Tumbuka 2.5%, Lunda 2.2% (official), Kaonde 2% (official), Lala 2%, Luvale 1.7% (official), English 1.7% (official), other 22.5% (2000 Census)
- > **GNI (2010-Atlas):** \$13.82 billion (World Bank Development Indicators, 2011)
- > **GNI per capita (2010-PPP):** \$1,370 (World Bank Development Indicators, 2011)
- > **Literacy rate:** 80.6% (male 86.8%, female 74.8%) (2003 est., *CIA World Factbook*)
- > **President or top authority:** President Michael Chilufya Sata (since September 23, 2011)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:** Print: 14 newspapers; Radio Stations: 18; Television Stations: 3
- > **Newspaper circulation statistics:** Top three by circulation: *The Post* (circulation 27,500, privately-owned), *Zambia Daily Mail* (circulation 10,000, state-owned), *Times of Zambia* (circulation 14,000, state-owned)
- > **Broadcast ratings:** Top radio station: Radio Phoenix FM
- > **News agencies:** Zambia News and Information Service (state-owned), Palesa (private)
- > **Annual advertising revenue in media sector:** N/A
- > **Internet usage:** 816,200 (2009 est., *CIA World Factbook*)

MEDIA SUSTAINABILITY INDEX: ZAMBIA



### Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

### Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

### Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

### Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

## OBJECTIVE 1: FREEDOM OF SPEECH

### Zambia Objective Score: 1.85

Panelists' scores placed two indicators—indicator 8 (journalists' access to international news and news sources) and indicator 9 (freedom of entry into the journalism profession)—well above all others in this objective. These two scored about three-quarters of a point higher than the objective score. On the other hand, indicator 7 (access to information) scored about three-quarters of a point lower.

Indicator 1's questions regarding protections for free speech sparked an animated debate by the panel. The majority said that they believe that the constitutional provisions protecting freedom of expression are adequate, but they voiced grave concerns about the numerous derogations enshrined in the penal code. In essence, the code limits the very freedoms the constitution purports to protect, panelists said.

Currently, freedom of expression is addressed in article 20(1) of the Constitution of Zambia, and article 20(2) provides for press freedom. But article 20(3) limits these freedoms, curtailing them in the interest of national defense and security, public safety, public order, public morality, and public health, among other derogations. Other subsidiary pieces of legislation under section 53 of the penal code, such as the State Security Act number 36 of 1969, further limit freedom of expression.

#### LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

##### FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

The 2010 IBA amendment act dominated the discussion of media legislation this year, with the panelists lamenting backsliding from the original IBA act of 2002 and the equally promising Zambia National Broadcasting Corporation (ZNBC) Amendment Act of 2002. The two laws were designed primarily to enhance the independence of the state-owned media and safeguard the freedom of the private media. The IBA act gave regulatory power of the private media to IBA, and called for IBA to have a more representative board, ratified by parliament. Also under the IBA act, the Ministry of Information and Broadcasting Services was stripped of the authority to issue broadcast licenses, with responsibility transferred to IBA.

Similarly, the ZNBC Amendment Act was designed to pave the way for the dissolution of the sitting ZNBC Board of Directors—hand-picked by the minister—so that political interference would end. However, the ZNBC act has been implemented only partially. The Freedom of Information (FOI) Bill was also expected to be re-tabled after its withdrawal from parliament in 2002, but this has not happened.

The July 28, 2010 edition of *The Post* reported that the minister would appoint the IBA board without parliament's ratification, and that prompted Andrew Sakala, president of the Press Association of Zambia (PAZA), to condemn the move as "retrogressive." Although the Supreme Court ruled that, under the IBA act, the minister of Information and Broadcasting Services could reject names recommended by the independent appointments committee, the court did not rule that the committee statute should be removed from the act, Sakala argued. He noted further, with disappointment, that the ministry is still discharging the functions that IBA was supposed to carry out—defeating the spirit of the original law.

PAZA Vice President Amos Chanda concurred with Sakala, noting that the country is regressing in terms of media law, losing what little reforms had been achieved. He blamed the stagnation on the government's lack of political will. The country's vice president, George Kunda, on the other hand, defended the IBA amendment act and condemned what he termed "unethical practices" by some in the media, and reiterated the government's desire to impose media regulations.

These developments, when viewed against the government's insistence that the media should opt for voluntary self-regulation or risk state regulation, clearly portend serious difficulties for media practitioners. The authorities are growing increasingly exasperated with what they view as intolerable transgressions by the privately owned media, and are looking at ways of "caging" the perceived violators, panelists said.

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The timing of the IBA amendment act speaks volumes about the state's intentions. In 2011, Zambians go to the polls in presidential, parliamentary, and local government elections, and the media law reforms now being reversed could have gone a long way in leveling the political playing field in terms of campaign coverage.

MISA Zambia chair Henry Kabwe, alluding to government threats to impose statutory media controls, observed that efforts to gag the press are eroding gains in media independence. "Laws are being planned to stifle the media, targeted at *The Post*," he said. Many panelists said that they consider *The Post* to be the most outspoken daily newspaper in Zambia; it remains the only privately owned daily. Chandra agreed, explaining his belief that Lieutenant General Shikapwasha and the government intend to impose media regulations "under a false hope that this will help them silence the 'truant'—namely, *The Post*."

The legal minefield notwithstanding, freedom of expression is being stretched to the limit by several media practitioners, including some community radio stations that have sprung up following the liberalization of the airwaves. Currently, Zambia has 34 community radio stations, spread across the country. Masautso Phiri, a freelance journalist and media consultant, referred to "unbridled free speech" by some radio stations during their live phone-in programs. Therein lies the problem; most of the government's complaints stem from the stinging attacks on the establishment by political activists and civil society leaders that appear on live programs, and the listeners that call in. Often, the Ministry of Information and Broadcast Services warns private radio station owners that they risk having their licenses revoked. The state has accused some community radio stations of contravening the terms and conditions of their respective licenses.

Most panelists said that they feel strongly that broadcast media licensing is neither free nor competitive, as it is still the domain of the Ministry of Information and Broadcasting Services. The fact that the minister exercises this power, to the exclusion of other stakeholders, indicates that broadcast license issuance is highly politicized.

Mazabuka community radio station manager, Bellon Chintombwa, lamented that some licenses are so restrictive that news broadcasts are limited to only three minutes, making it almost impossible for the affected stations to broadcast something meaningful.

In terms of the ease of entering the market, the panelists returned to the IBA board controversy. They expressed serious concern that a partisan IBA board, compiled solely by the minister, would be a potent weapon against new entrants into the industry.

Edem Djokotoe, a media consultant, commented on indicator 4, concerning whether crimes against journalists or media outlets are prosecuted vigorously, and whether such crimes are rare. He observed that often newspapers, radio stations, and television stations that are critical of government are targets of thugs and orchestrated intimidation from the ruling party, creating an antagonistic media environment that is most unhealthy for a fledgling democracy. He concluded, "The political prerogative overrides constitutional provisions regarding the promotion of free speech, and this explains why freedom of expression tends to be criminalized in Zambia."

According to the panelists, state/public officials receive preferential legal treatment to an extent, and editorial independence is not guaranteed by law in Zambia, especially given the political appointments of media officials. The panelists said that the national broadcaster's editorial independence envisaged under the ZNBC Amendment Act of 2002 cannot be achieved with the current board. In an article entitled "Who owns, controls ZNBC-TV?" published by *The Post* on August 10, 2010, Pete Henriot of the Jesuit Centre for Theological Reflection (JCTR) observed that ZNBC operates not as a public broadcaster, but for all intents and purposes as "a commandeered support unit for the ruling party and its government."

Commenting on the information minister's insistence on governmental media regulation, Henriot, who is a Catholic priest, said, "If the current operations of ZNBC-TV are to be a guide for what that control might mean, then I fear we are in for the death of free electronic media. And of course, we can see what it might mean to have government-mandated control of the independent print media by simply observing what 'reporting' means for the state-owned and government-controlled press."

The editorial independence of community radio stations will be compromised similarly if an authoritarian IBA board, appointed by the minister, was to oversee the industry, according to the panelists. Several community radio stations have been threatened with closure before for disseminating views perceived as anti-government.

The panelists discussed libel cases and whether public officials are held to a higher standard and an offended party needs to prove falsity and malice. They observed that laws on libel and defamation can impact free speech negatively, depending on how they are implemented. They noted that judgments against journalists take place on Friday almost invariably, so that the “culprits” are locked up in prison—and quite often, their bail applications are delayed until the following week.

The panelists also pointed to instances of the government prosecuting journalists for purported press offenses, exerting undue pressure on the court to pass verdicts against the affected journalists. The panelists cited the case of *The Post* news editor Chansa Kabwela, who was accused of circulating obscene matter when she ran pictures of a woman giving birth in public due to a strike by medical practitioners in 2009. Kabwela was arrested and prosecuted on orders from the president. She was subsequently acquitted. In a related case, as Freedom House wrote in its “Freedom of the Press 2011-Zambia” report, *The Post’s* editor-in-chief and owner, Fred M’membe, was found guilty of contempt of court and sentenced to four months in prison with hard labor. He spent a few nights behind bars before being released on bail, pending an appeal.<sup>1</sup>

The panelists highlighted access to public information as one of the biggest challenges that media face. Much public information is still classified as “secret” under the Official Secrets Act, thereby denying journalists access to information and statistics about government operations. Since the FOI bill has not yet been enacted and the secrecy laws remain on the books, often journalists find it impossible to demand access to information from the government. Most civil servants are required to sign a promise that they will not divulge information about government operations to anybody, especially journalists. A breach is punishable by termination of employment.

The panelists said that private and public corporate entities are just as secretive as the government, because they seldom want to avail the media of their businesses, save for snippets of mundane information routinely churned out by public relations staff in an attempt to paint rosy pictures of their firms.

Phiri observed that although leaks do occur from time to time about the goings-on in the corridors of power, the leaks are attributable largely to the political divide. Some civil servants that belong to opposition political parties might be inclined to let out information considered damaging to the government, but often they do so at their own peril.

<sup>1</sup> “Freedom of the Press 2011: Zambia.” Freedom House, 2011. Available from this page: <http://www.freedomhouse.org/template.cfm?page=16>

Indicator 8 (media outlets have unrestricted access to international news and news sources) and indicator 9 (entry into the journalism profession is free and government imposes no licensing, restrictions or special rights for journalists) elicited the most favorable responses of the nine indicators under Objective 1. Panelists confirmed that journalists can freely access international news sources, and that the government does not subject journalists to licensing or other requirements for entry. However, the state has expressed its preference for a statutory media council that would compel every media practitioner to sign up for membership and obtain the requisite practicing certificate. Journalists, on the other hand, prefer the status quo (voluntary, non-statutory regulation), which places no restrictions on entry into the journalism profession. They said that they feel strongly that any such regulations would be vulnerable to abuse by the establishment, which could use legislative controls to de-register and silence critical voices.

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Zambia Objective Score: 1.57

All indicators under Objective 2 scored within the “unsustainable, mixed system” range, as the panelists launched a scathing attack on the quality and standards of journalism that state and private newspapers alike exhibit in Zambia. The panelists decried the falling standards among professionals and the prevalence of unethical media practices, which have impacted negatively the entire field of journalism.

Execrable standards have become the norm, they observed, thereby giving currency to the perception in some quarters that

#### JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

##### PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

*“Some media organizations exercise self-censorship for obvious reasons—that is, to protect their jobs,” said Reuben Kajokoto, director of programming at the national broadcaster, ZNBC. “In the case of my institution, editors do sometimes influence what is covered.”*

Zambian journalists are incapable of ethical and professional conduct. As a result, media members have unwittingly handed politicians the argument that self-regulation of the media has failed—aiding the government’s campaign to introduce statutory media regulation.

Commenting on indicator 1 (whether reporting is fair, objective, and well sourced) and indicator 2 (whether journalists follow recognized and accepted ethical standards), some panelists pointed out the lamentable failure to separate news from opinion. The latter appears to have supplanted the former in many Zambian “news” reports.

Zachariah Chavula of HOT-FM Radio said that journalism standards are poor because of over-reliance on the same sources of information; rampant breaches of ethics; and, quite often, the failure to verify facts with a number of sources. “Stories are one-sided,” Chavula said. “They lack balance and are not fair sometimes. Since not all parties are consulted, truth is usually compromised.” Djokotoe added, “Reporting and journalism as a whole seem to have become like a soap opera—complete with heroes and villains and episodes of perpetual conflict between opposing forces [pro-government and anti-government]. This has shaped editorial content adversely and restricted news to political polemics.”

With the state-sponsored media council hovering over the media in Zambia, media members have made concerted efforts to entrench a self-regulatory media council to adjudicate complaints from aggrieved members of the public. However, some private media organizations have recused themselves from this process in the past, and since membership would be voluntary, nobody could be forced to become a member. Efforts began with the Media Council of Zambia (MECOZ), which is widely derided as ineffective. MECOZ is being transformed into the watchdog group Zambia Media Council (ZAMEC). ZAMEC is forming despite governmental resistance, and unlike its predecessor, it promises to bind all media institutions—including the only privately owned daily newspaper, *The Post*.

*The Post* came on board following the adoption of an agreement, known as the Fringilla Consensus,<sup>2</sup> that Zambian media institutions drafted on February 5, 2010. The most comprehensive self-regulatory mechanism in the country’s history, the Fringilla Consensus is subscribed to by representatives of all media houses (state-owned newspapers and broadcasters, private print and electronic media, community media, training institutions and some civil society groups). However, the minister of information has rejected the non-statutory ZAMEC and made the threat that the government will not recognize the body if it launches.

Shikapwasha further threatened journalists at state-owned media, stating that they would be directed to opt out of ZAMEC if media groups proceed with registering ZAMEC without his consent. Legally, under the Society’s Act, governmental consent is not needed to register the group.

The threats have persisted in spite of the fact that ZAMEC was formed following extensive consultations with stakeholders, so Zambian journalists could broaden their perspectives and borrow from the positive experiences of their colleagues. With that aim in mind, members of the Media Liaison Committee<sup>3</sup> visited media practitioners in South Africa, Kenya, and Uganda.

But even more shocking to Zambian journalists was Kunda’s announcement in parliament in July 2010 that the government would present a bill in the next session in October to regulate the media. Kunda promised that the government would “borrow heavily from the Fringilla Consensus.”

However, one fundamental difference between government and the media lobby groups is the state’s preference (outlined earlier under Objective 1, indicator 9) to control entry to the profession. The media fraternity is also averse to the concept of severe sanctions on the perceived offenders in their rank and file, as such measures would be in breach of the fundamental right to free expression, which is the bedrock of every democracy and is enshrined in the constitution. Also, most journalists are of the view that media personnel that seriously breach the law are punishable under the country’s stringent libel and defamation laws, rendering unnecessary any additional sanctions.

<sup>2</sup> The “Fringilla Consensus” was the outcome of a meeting of media associations and selected media bodies at Fringilla Lodge in Chisamba, on the outskirts of Lusaka, on February 3–5, 2010. Adopted during the meeting, the Fringilla Consensus outlines the processes leading to the formation of an all-inclusive and effective media regulatory body that will be voluntary and non-statutory.

<sup>3</sup> The Media Liaison Committee (MLC) is a consortium of media associations, houses, and unions, including MISA Zambia, that has been working to establish a non-statutory, self-regulatory framework and an all-inclusive ZAMEC.

Under MECOZ, if a complaint against a media institution is well founded, any of the following penalties may be imposed: (a) An order reprimanding the media organization; (b) An order to correct the error within a period of not more than two weeks; (c) An order to print or broadcast an apology within a period of not more than two weeks; (d) An order to pay compensation to the complainant. A media institution is obliged to publish the council's findings against it, and the council will supply details of its findings in each case to other media institutions, for publication at their discretion. These measures are consistent with a tolerant, liberal democracy where free speech is not criminalized, the panelists noted.

But the government is dissatisfied with mere censure of erring journalists, and construes this as one of the "inherent weaknesses" under the voluntary, self-regulation framework. It has continued to compare journalists with other professionals such as lawyers and medical personnel who are controlled by parliamentary statutes, and the minister of information has categorically said the government will not back ZAMEC, because it sees it as a "re-incarnation of MECOZ." According to a September 2010 report in the *Zambia Daily Mail*, headlined "State maintains position on media," Shikapwasha is quoted as saying that statutory self-regulation is the only way for Zambia to avoid the weaknesses that led to the failure of MECOZ.<sup>4</sup>

The ZAMEC launch has been postponed until further consultations can be held with government [it was launched officially in spring 2011 –ed.]. If the deadlock between the state and the media is not settled, Zambia risks replicating the situation in Uganda, where "there is a self-regulatory media council side by side with a discredited statutory council, which many professionals continue to dare to ridicule, as the non-statutory council receives wide public support," said Chanda.

Media practitioners view the state's insistence on legal media regulation as a subtle attempt to silence critical voices in the media, particularly those working for the privately owned press. There are fears among journalists that the quest to rid the profession of "quacks" could have a deleterious effect on the journalism profession. Those individuals would almost invariably include the most vocal and critical journalists, who

<sup>4</sup> In a letter dated April 13, 2010 to MLC, Shikapwasha said the proposed framework in the Fringilla Consensus fell short of a genuine self-regulatory framework and would not achieve effective self-regulation of the media. For this reason, the minister said that the government would not support the formation of ZAMEC, as it would be a toothless body. "In view of the foregoing, coupled with the absolute need to avoid weaknesses that led to the failure of MECOZ in media self-regulation, government's position is that the Kenyan model of self-regulation would be the best option for Zambia," said Shikapwasha.

*"Stories are one-sided," Chavula said. "They lack balance and are not fair sometimes. Since not all parties are consulted, truth is usually compromised."*

could be de-registered on the flimsy grounds that they do not meet the minimum requirements to practice.

Such "unfriendly" media laws are seen by many as a failure by government to embrace a more liberal legal regime compatible with democracy. Clearly, mutual mistrust between journalists and government officials has worked against attempts to narrow the differences and embrace a common position that could advance and protect the interests of the media and the public at large. When viewed in context with recent events—especially the passing of the IBA amendment act—the mutual suspicion seems likely to continue.

Against this backdrop, the panelists delivered their lowest scores to the third indicator, concerning self-censorship. The panel did not mince words on the issue, condemning the pervasive self-censorship culture, particularly among journalists working for the state media. They observed that most public media news reports are slanted in favor of the establishment, because journalists and editors want to avoid antagonizing the powers-that-be. Many fear losing their positions—their only source of livelihood—and therefore adopt a servile attitude. "Some media organizations exercise self-censorship for obvious reasons—that is, to protect their jobs," said Reuben Kajokoto, director of programming at the national broadcaster, ZNBC. "In the case of my institution, editors do sometimes influence what is covered."

Former Information and Broadcasting Services Minister Mike Mulongoti (now the Minister of Works and Supply) is on record as having said that state media journalists must think twice before attacking him or the government, because that would be tantamount to "biting the hand that feeds you." In short, he expected total compliance from all journalists at state-run media, and left no room for guesses as to the fate of those who would ignore his warning.

Phiri was quick to point out that while government media are guilty of self-censorship, the worst culprits are the broadcast media. The private media, he said, exhibit a political bias in their reportage, but do not practice self-censorship. Lucy Sichela, who is currently acting as station manager for Solwezi Radio, said that private and state media alike are guilty of one form of censorship or another.

Djokotoe added, "Self-censorship is very real, and can be discerned from what the media covers on any given day. It also influences what is considered a 'key' event or 'issue.' News—or what passes for it—is characterized by loads of spin-doctoring."

The panelists were unanimous on the media's tendency to glorify trivialities at the expense of more serious issues: economic and development matters, health issues, agriculture, and other related topics. Djokotoe noted that poverty is a particularly serious issue, afflicting more than 70 percent of the population, but very little coverage is devoted to the subject in the media. These sentiments were echoed by media lawyer Sydney Imasiku, who observed: "The current trend in news coverage and reporting is biased towards political events and incidents surrounding politics. Scant coverage is given to other social issues that really affect society."

The predominant issues accorded prominence in the media are political controversies and the seemingly endless antagonism between the opposition and ruling party. He also referred to what he termed the "corporate invasion of the newsroom" and how this is likely to impact the quality of the final product: news. Some big corporations sponsor news on state radio as well as privately-owned radio and television stations—a situation that could seriously compromise editorial freedom. Panelists were unanimous that the affected news media could not report something unpalatable about a corporate entity that also happened to be a major advertiser.

On the fifth indicator, concerning whether pay levels for journalists and other media practitioners are sufficiently high to discourage corruption, the panelists said that remuneration differs from one organization to another, but journalist pay is universally inadequate. Reporters working for the public media are paid between ZMK 2,000,000 and ZMK 4,000,000 (\$400 and \$800) per month, while salaries for editors range from ZMK 12,000,000 to ZMK 15,000,000 (\$2,400 to \$3,000) per month. Reporters for *The Post* receive just marginally higher pay than their counterparts in public media (*Zambia Daily Mail* and *Times of Zambia*). Most community and commercial radio stations offer paltry salaries, ranging between ZMK 1,000,000 and ZMK 2,000,000 (\$200 and \$400) per month.

Although it is unethical for journalists to accept bribes, the panelists had the opinion that it is not realistic to expect someone who is underpaid to resist the temptation of accepting "brown envelopes" from a news source. "Salaries for journalists are not sufficient, and this creates room for corruption," said Sichela. Chavula, who said salaries are low and corruption is high, agreed. Media trainer Mutemwa Makomani said that with the culture of corruption entrenched deeply in Zambian society, there is a need for media organizations to address the critical issue of remuneration

for media personnel, in order to prevent journalists from compromising in their dealings with news sources.

Panelists said that poor pay is also to blame for the poor retention of media personnel in the industry, with a huge number quitting active journalism at a tender age and opting for better-paying jobs in the public relations and communications fields. The panelists suggested that private and state-owned media need to significantly increase staff remuneration and improve working conditions to stem the exodus.

In discussing indicator 6 (whether entertainment programming eclipses news and information programming) and 7 (whether technical facilities and equipment for gathering, producing and distributing news are modern and efficient), the panelists agreed that radio and television broadcast many programs of an entertainment nature, but allocate adequate time to news and related programs as well. The panelists also agreed that, save for a few institutions still relying on antiquated equipment, most news organizations use up-to-date facilities.

Discussing whether quality niche reporting and programming exist, Kabwe bemoaned the lack of investigative journalism and said media concentrate too much on "he said/she said" journalism, which lacks substance. Media practitioners fail to come up with in-depth analyses on many issues, he said.

Kabwe also commented on Zambian training institutions, saying they fall short of journalism's minimum measures of quality. "Institutions of learning should raise standards to meet these benchmarks. The commercialization of learning institutions is affecting the standards, because institutions need [to enroll] more students to make more money," he said.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Zambia Objective Score: 1.76

Indicators under this objective received drastically different scores. Indicator 2 (citizens' access to domestic or international media) recorded the highest score, about three-quarters of a point higher than the objective score. Indicator 5 (independent broadcast media producing their own news programs) and indicator 6 (transparency of ownership) scored a little more than half a point higher. On the other extreme, indicator 3 (state media are non-partisan) and indicator 4 (independent news agencies) lagged behind by half a point and three-quarters of a point respectively because ZNBC and the Zambia News and Information

Service (ZANIS) are government entities that does not enjoy editorial independence.

Regarding the plurality of public/private news sources (print and electronic), the panelists agreed that Zambians have a variety of news sources from which to choose, although people in the urban areas have more access to news and other forms of information compared to their marginalized counterparts in rural areas.

Whereas newspapers, television, radio, and the Internet are the major sources of information for those who reside in the cities, radio still ranks as the main source of news for rural dwellers. Given the high levels of poverty (estimated at more than 70 percent) among the rural population, most cannot afford newspapers or Internet services. The majority of listeners are glued to the community radio stations scattered across the country.

Zambia has seen phenomenal growth in broadcasting in the last two years, with the number of radio stations rising from 30 to 37. This figure includes the three state-owned stations (ZNBC Radios 1, 2 and 4); 13 community stations; 11 commercial stations; seven religious stations (mostly Catholic-sponsored); and three educational stations: UNZA Radio, from the University of Zambia; Hone FM, from Evelyn Hone College; and Parliament Radio.

However, the panel noted that in spite of the emergence of many community radio stations, most face one major handicap—the lack of trained staff to ensure that programming meets the desired standards. “The programming is political and not diverse,” Kabwe said.

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- > Citizens’ access to domestic or international media is not restricted.
- > State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for print and broadcast media.
- > Independent broadcast media produce their own news programs.
- > Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

*“The programming is political and not diverse,” Kabwe said. “Community media are meeting some benchmarks, but they need professionals who can broadcast issue-based programs.”*

“Community media are meeting some benchmarks, but they need professionals who can broadcast issue-based programs.” Some community radio stations have carved a business niche in their respective locations because the national broadcaster, ZNBC, is currently experiencing weak signal or no signal at all in some remote parts of Zambia. Spare parts to rectify this problem have been procured but have not yet arrived in the country.

During the same two-year period, television stations have also grown, from four to seven. In addition to the national broadcaster, ZNBC, the country also has Copperbelt Television (privately owned), which broadcasts in the copper belt within Ndola; and Central Broadcasting Company (CBC), Mubi Television, and Muvi Television, which all broadcast from the capital, Lusaka. Multichoice Zambia is a South African satellite subscription service broadcasting in Zambia. Trinity Broadcasting Network (TBN) also broadcasts in Zambia.

On indicator 2, whether citizens’ access to domestic and international media is restricted, the panel observed that access to international news has been made even easier, as people are free to tune in to BBC, CNN, SKY, Al Jazeera, and many other channels of their choice. But such news comes with a high price—coverage favors the owners of the multi-national news corporations.

Indicator 3, “state or public media reflect the views of the entire political spectrum, are non-partisan, and serve the public interest,” failed to elicit any complimentary comments from any panelists, with most condemning the excessive partisanship that has become the hallmark of all state media outlets. Chavula summed up the situation as he sees it: “The public media is controlled by the state, and therefore it only serves the interests of the government in power.”

*New Vision* acting managing editor Mabvuto Chipeta, Sichela, and Chintombwa shared the view that state-owned media content is too partisan and fails to serve the public interest. Makomani said that listening to news on state-owned ZNBC radio, or watching news on ZNBC Television, is akin to enduring “torture.” He was alluding to the fact that invariably, ZNBC news slants to the establishment at any given time, with little or no news about other political players.

Backing this perception, analysis of ZNBC's news coverage during elections in 2006 established that 75 percent of its coverage between August 4 and September 1, 2006 was of the ruling party. A Media Institute of Southern Africa (MISA) publication, "Zambian Media Wars," also highlighted this trend, along with the private media favoritism towards some opposition political parties.

All the state-owned media devote significant space and airtime to reporting favorably on government and leaders of the ruling party, to the exclusion of opposition party leaders. Editors of these media do not view their roles as serving the public's interest, but have learned to protect their jobs by becoming reluctant purveyors of state propaganda. To say that these editors are biased in their coverage of the opposition and other dissenting voices would be an understatement, panelists said. Their bias is too brazen to be ignored, and that accounts for the poor score on this indicator.

As mentioned earlier, Zambia has no independent news agencies. The government-controlled ZANIS was born out of a merger of Zambia News Agency (ZANA) and Zambia Information Service (ZIS), the propaganda arm of the government—a move that some media professionals said compromises ZANIS's professional status and standing, as well as the final news product it churns out. However, ZANIS is not the only news agency source available, as people can access news from international agencies such as Reuters, Associated Press, Agence France-Presse, and many others via the Internet.

The indicator measuring the extent to which independent broadcast media produce their own news programs was one of Objective 3's highest-scoring indicators.

On transparency of media ownership and whether or not laws or regulations govern disclosure of media ownership, the panelists said that Zambia has no such laws. Most media are state-owned, private, or church-owned. There is presently no monopoly or oligarchy. The preponderance of state ownership in the print media industry is attributable to the lack of any significant foreign investment in the Zambian media. Local entrepreneurs seem reluctant to invest in the media, because it is widely viewed as unprofitable.

Indicator 7, on whether or not the media reflects a broad spectrum of interests, drew criticism because panelists said that debate on many topical issues is biased. Most discussion panels tend to have the same people that have been invited countless times, and whose views and political inclinations are well known. According to the panelists, public and private radio and television stations all should vary their panelists so that the views expressed, or public opinion discussed, could truly reflect the diversity of Zambia's political set—up to and including the country's robust and vibrant civil society.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Zambia Objective Score: 1.53

Most panelists said that the media industry is fraught with numerous attendant risks that render the industry unprofitable. Zambia has a history of failed newspaper ventures—and these provide a reminder to any would-be investor of the inherent risks associated with this particular industry, and why it has remained underdeveloped nearly 46 years into the country's independence. Reflecting this situation, all indicators scored within the "unsustainable, mixed system" range.

Circulation figures have been on the decline since the early 1980s, when the *Times of Zambia* and *Sunday Times of Zambia* peaked at more than 75,000 copies per day. Today's estimated figures are 15,000 for the daily and nearly 10,000 for the weekly. (No accurate circulation figures are available, since most newspaper firms do not make audited figures available.)

The state-owned and privately-owned newspapers are subject to the vagaries of the market—high costs for newsprint, inks, film, and printing plates chief among them. The prohibitive cost of imported inputs (none of these are produced locally), and the low purchasing power due to high levels of poverty, make the newspaper business untenable. Finances, more than any other reason, explains why *The Post* is still the only privately owned daily newspaper in Zambia. Many newspaper companies have launched in the past, but most have been consigned to the heap of failed enterprises. Commenting on the viability of media ventures, Kabwe said, "Most media are owned by government. The private media are not

### INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

#### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- > Independent media do not receive government subsidies.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- > Broadcast ratings and circulation figures are reliably and independently produced.

viable institutions, making it difficult to get returns. MUVI Television, *The Post*, and Radio Phoenix seem to be getting the business aspect going, but there are no regular rates or subscription services for circulation figures.”

Media consultant Djokotoe summarized the status of media businesses in this way: “The ‘graveyard’ of media is littered with newspapers that were run into the ground through mismanagement. Over-employment and bad investment decisions have affected the viability of independent media.” Most media institutions hire qualified personnel to manage their accounting, marketing, and human resource functions, but their work has done little to mitigate the situation.

The public media have benefited from state efforts in the past, mainly in two forms: the settlement of newsprint debts and procurement of newspaper delivery vans. In December 2005, the government paid United Technical Company and VDG Paper International (South African newsprint suppliers) upwards of \$800,000 in outstanding newsprint debts owed by the *Times of Zambia*, *Zambia Daily Mail*, and Zambia Printing Company. And as presidential and parliamentary elections were approaching in 2006, the two state-owned dailies were allocated several distribution vans procured by the government, with the directive to extend their newspaper deliveries to all provincial capitals. Other beneficiaries of these vehicles were ZNBC and ZANIS. However, the ambitious project of delivering newspapers to all provincial capitals was costly, and further undermined the viability of the affected state media firms.

Extremely low sales in rural areas, ranging between 100 and 500 newspaper copies per day, make such a venture totally unprofitable, as newspapers still cost a paltry ZMK 3,000 (\$0.60). The dearth of advertising in rural areas compounds the situation.

On indicators 2 and 3, regarding whether media organizations receive income from multiple sources, and whether the advertising market is developed sufficiently, the panelists noted that sales and advertising are the two main sources of income for newspapers. The country has several advertising agencies providing services, but the paucity of advertising in the under-developed rural areas means that all media outlets have to compete for advertisements in the capital and other cities along the line of rail.

Commenting on rating Indicator 4, whether advertising revenue as a percentage of total revenue is in line with accepted standards, the panelists observed that gauging such percentages is difficult because of the lack of data from any media outlet.

As for the question of government subsidies, the panelists observed that although *The Post* does not receive

government subsidies, it does benefit greatly from advertising placed by various government ministries and departments, as well as other advertisements from public and private corporate entities.

Indicators 6 and 7 scored poorly, due to the lack of audience surveys and audited circulation figures. Most of the figures that news organizations bandy about are not considered reliable.

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Zambia Objective Score: 2.15

Zambian journalists have galvanized into an effective lobbying coalition, and now are in a better position to advance the interests of the media fraternity—particularly in view of the heightened attempts to muzzle the media through the planned legislative controls. All but the first two indicators scored within a half-point of the objective score.

Indicator 1 under this objective received the worst score—about two-thirds of a point lower than the objective score—as panelists observed that Zambia has no trade associations representing interests of media owners or managers. The Master Printers Association went under a long time ago, and there has been no attempt to revive it.

As for professional associations, and whether they are working to protect journalists’ rights, panelists awarded a score about two-thirds of a point higher than the objective score. They noted that Zambia has several professional bodies that have come together under the umbrella of the Media Liaison Committee (MLC). Currently, MLC is engaged in a protracted fight with the government over the planned media regulation. The media bodies active in this lobby are

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of private media owners and provide member services.
- > Professional associations work to protect journalists’ rights.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs that provide substantial practical experience exist.
- > Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- > Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

*Kabwe commented, "There is no activism on media issues from supporting institutions, apart from media associations. Zambia is faced with political pressure to ensure the media is gagged during elections. There is need for engagement between media and other NGOs."*

PAZA, MISA Zambia, Zambia Media Women's Association, Press Freedom Committee of *The Post*, Zambia Union of Journalists (ZUJ), and Society of Senior Journalists. PAZA is a professional body representing journalists drawn mainly from the print media industry, and it is expected to ensure that journalists adhere to ethical and professional practice. ZUJ is concerned primarily with conditions of service for journalists, and has signed collective agreements with member institutions to negotiate salaries and other perks for unionized employees—mainly in the print media.

The Zambia Union of Broadcasters and Other Information Disseminators is the electronic media's equivalent of ZUJ, and represents unionized employees. However, employers in the private media sector have declined to sign recognition agreements with these unions, thereby denying their workers much-needed representation. As a result, the affected workers are unrepresented and at the mercy of their employers regarding determination of salaries.

In discussing indicator 3, on how well NGOs support free speech and independent media, panelists named several active NGOs: MISA Zambia, Transparency International Zambia, and the Southern African Centre for Constructive Resolution of Disputes (SACCORD). They are engaged actively in a sustained lobby for progressive pieces of legislation, such as the Freedom of Information Bill. Most of these NGOs work in close collaboration with their regional or international parent organizations, and serve as effective watchdogs to support freedom of speech and media independence.

In the summer of 2009, various civil society organizations, including SACCORD, the United Party for National Development, the Patriotic Front (PF), and the Catholic Women's Organization, displayed support and solidarity for Chansa Kabwela, *The Post* news editor that was facing charges of circulating obscene material. JCTR also supports to the press; its staff member Henriot wrote the aforementioned "Who owns, controls ZNBC-TV?" article published by *The Post* on August 10, 2010.

However, a majority of panelists shared the view that supporting institutions could be more dedicated to helping inform the public on the role of the media in democracy and acting as whistle-blowers whenever the media comes under pressure from the authorities. Kabwe commented, "There is no activism on media issues from supporting institutions, apart from media associations. Zambia is faced with political pressure to ensure the media is gagged during elections. There is need for engagement between media and other NGOs. They need to be proactive; they need to engage with media associations regularly to bring out issues of press freedom."

With regard to indicator 4, generally the panelists agreed that most journalism graduates from local universities are of good caliber, but some leave much to be desired, and local institutions need to do more to enhance the quality of their graduates. This situation is compounded by the fact that the media industry is not that well developed and cannot absorb all the graduates from public and private institutions.

The panelists said that opportunities exist for journalists to train abroad, particularly post-graduate study, and quite a number have returned home to continue practicing. However, many are frustrated by poor pay and other unfavorable working conditions, and are driven to quit active journalism for more lucrative opportunities. As a result, most media institutions do not have the requisite number of trained and experienced staff.

Many media outlets offer short-term training opportunities that help to upgrade the skill levels of their staff. The national broadcaster, ZNBC, collaborates with the Southern African Broadcasting Association to sponsor some short courses for its staff. The Commonwealth Press Union has assisted also in the provision of specialized courses for Zambian journalists. Media outlets either co-sponsor the courses or solicit for sponsors to grant full scholarships. The scholarships are limited, though.

Panelists had favorable comments on indicator 6, whether sources of newsprint and printing facilities are free from political control. Newsprint and all printing consumables, such as inks, plates, and films, are all imported; the cheapest source is South Africa. As a result, these facilities are outside the realm of political influence.

Concerning channels of media distribution and whether or not such channels are under political control, panelists observed that the bulk of the distribution outlets are in private hands, and therefore not politicized or manipulated. Internet access is not subject to governmental interference.

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## List of Panel Participants

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