

ZAMBIA 2007

AFRICAN MEDIA BAROMETER ZAMBIA 2007 REPORT

Sector 1: Freedom of expression, including freedom of the media, are effectively protected and promoted.

- 1.1 *Freedom of expression, including freedom of the media, is guaranteed in the constitution and protected by other pieces of legislation.*

ANALYSIS:

While there is a constitutional review process under way in Zambia, for the time being the present constitution is still in force. Article 20 (1) enshrines and broadly protects freedom of expression, Article 20 (2) guarantees freedom of the press. However, the guarantee of both media freedom and freedom of expression are conditional. Article 20 (3) states that laws restricting these rights may be passed, if they are – among others – “reasonably required in the interests of defence, public safety, public order, public morality or public health.”

A Freedom of Information Bill which would effectively have promoted the right to freedom of the media and expression was tabled in parliament in 2002, but later withdrawn by government for unexplained reasons. Another law, which establishes an independent broadcasting authority to promote independent broadcasting media, was passed in 2003 but is not being implemented. The Minister of Information and Broadcasting Services still issues licenses to broadcasters without any reference to the law which provides for an independent licensing mechanism.

SCORES:

Individual scores: 2, 2, 3, 2, 3, 2, 2, 2, 2, 3

Average score: **2.3** (2005 = 2.0)

1.2 *The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.*

ANALYSIS:

Citizens generally express themselves freely, critically and without restraint, even in rural areas. Private media – both print and broadcasting - have become the main channel for such expression, although many people are complaining that they are not getting their voices disseminated as broadly as they would wish. Opinions expressed on private and increasingly community radio phone-in talk shows tend to be explicit, critical and unrestrained. For that reason, such programmes are growing in popularity and regularly attract large audiences. Government is not always amused by the views expressed and outspoken newspapers and radio stations have been the subject of veiled and even explicit threats of dire consequences, including the closing down of the media house concerned.

State-owned media are generally subdued and practice an easily recognizable form of self-censorship – playing down some issues, bending them to suit the authorities or simply leaving out views that are strongly critical of the government. Top managers of the state media - who are state appointees - would appear to be under instructions or are eager to protect their jobs and often “doctor” or seek to suppress stories likely to embarrass their superiors. More junior journalists, on the other hand, have a genuine desire to work professionally. The fact that the country’s two major dailies and the largest broadcaster are state-owned tends to reduce significantly the overall channels available for free expression.

The increasing diversity of the media in Zambia, however, makes it ever harder for authorities to keep control as they might wish.

SCORES:

Individual scores: 2, 3, 3, 3, 3, 2, 3, 3, 3, 4

Average score: **2.9** (2005 = 2.3)

1.3 *There are no laws restricting freedom of expression such as excessive official secret or libel acts, or laws that unreasonably interfere with the responsibilities of the media.*

ANALYSIS:

In early 2002, a Task Force on Media Law Reform, comprising all media stakeholders

including the Ministry of Information and Broadcasting Services, found – amongst others – “that there are a number of statutes on the statute books, which directly and indirectly hinder the press freedom and ultimately the very survival of media institutions”. Ever since, though, not one of these laws has been changed or repealed.

Laws restricting freedom of expression and those that unreasonably interfere with the operations of the media exist and remain in force, some of them going back as far as 1911. Some examples:

The *Penal Code*, in force since 1930, empowers the President to ban publications deemed to be against the public interest (Section 53) and criminalizes publication of “false news with intent to cause fear and alarm to the public” (Section 67). Sections on sedition and related practices proscribe public debate on issues and publication of information deemed likely to arouse popular disaffection against the state. Section 177 (1) criminalizes publication of obscenity (imprisonment of up to five years) without defining what is deemed to constitute obscene matter. Sections 57 (1) and 60 (1) prohibit sedition (jail term of seven years) and defines “seditious intention” among others as the “intention ... to excite disaffection against the government” or “to raise discontent or disaffection among the people of Zambia”. Section 69 deals with defamation of the president and provides that “any person who, with intent to bring the President into hatred, ridicule or contempt, publishes any defamatory or insulting matter ... is guilty of an offence and is liable on conviction to imprisonment for up to three years”, without the option of a fine.

Section 4 of the *State Security Act* makes it an offence (punishable by up to 25 years imprisonment) to retain or communicate to other persons any information obtained as a result of one’s present or former employment with government.

Parliament enjoys special ‘protection’ under Section 19 of the *National Assembly Act*. To “show disrespect in speech or manner towards the Speaker” or to “commit any other act of intentional disrespect with reference to the proceedings of the Assembly” is an offence liable to a fine or imprisonment with or without hard labour for a period not exceeding three months.

These and other restrictive laws are increasingly – and successfully – being challenged in the courts.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 2, 1, 1

Average score: **1.1** (2005 = 1.3)

1.4 *Entry into and practice of the journalistic profession is legally unrestricted.*

ANALYSIS:

There are no restrictions to entry into and practice of the journalistic profession. An attempt to introduce compulsory registration through a statutory Media Council by way of a Media Council Bill in 1997 was thrown out by the High Court of Zambia.

SCORES:

Individual scores: 5, 5, 5, 5, 4, 5, 5, 5, 5, 5

Average score: **4.9** (2005 = 4.6)

1.5 *Protection of confidential sources of information is guaranteed by law.*

ANALYSIS:

There is no law to protect confidential sources of information (or whistleblowers) although the draft Constitution of Zambia that still has to be enacted does make provision for that. The absence of such a law is undermining mutual confidence between journalists and their sources and thus freedom of expression as it inhibits sources from disclosing information for fear of being named.

The Prohibition and Prevention of Money Laundering Act of 2001 imposes an obligation on anyone who might be reasonably expected to know of someone being involved in money laundering to report that person to the authorities. This obligation extends to journalists who might acquire such knowledge in the pursuit of a story and, in effect, undermines the principle of source confidentiality. In reality, however, this legal requirement has not been invoked and put to the test yet.

SCORES:

Individual scores: 1, 2, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.1** (2005 = 1.2)

1.6 *Public information is easily accessible, guaranteed by law, to all citizens, including journalists.*

ANALYSIS:

Zambia has not yet enacted freedom of information legislation. The Freedom of Information Bill that was before the National Assembly was withdrawn for “further consultations” in November 2002, citing the events of 9/11 as a reason. It has not been re-tabled despite ongoing pressure from media associations and some sections of civil society. As recently as 2006, the then Minister of Information and Broadcasting Services still talked about “ongoing consultation”, but nobody knows who the government might have been consulting with.

The State Security Act still prohibits disclosure of government-held information. As a result government operations are, for the most part, shrouded in secrecy. Access to government-held information is not seen as a right but a privilege. Government’s policy is still based on the principle of need-to-know. Unorthodox means of information

gathering put journalists in danger of violating the law: an impediment to investigative journalism.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 2, 1, 1, 2

Average score: **1.2** (2005 = 1.0)

1.7 *Civil society in general and media lobby groups actively advance the cause of media freedom.*

ANALYSIS:

Since the introduction of multi-party democracy in Zambia in 1991, in addition to the then only media lobby group Press Association of Zambia (PAZA), several others have come into being. The first was the Zambia chapter of the Media Institute of Southern Africa (MISA) which represents independent media. Other organisations are the Zambia Media Women's Association (ZAMWA), the Zambia Union of Journalists (ZUJ), the Press Freedom Committee within the *Post* media house and the Commonwealth Press Union (CPU) Zambia Chapter. PAZA and the *Post's* Press Freedom Committee recently signed a Memorandum of Understanding, designed to help PAZA out of its financial straights, in which the two parties agree on close cooperation in various fields.

Overall, there is a high degree of collaboration and mutual trust on media freedom issues amongst all six organisations. All of them, for example, are opposed to any statutory regulation of the media and lobby for self regulation (although for different models). They staged a successful joint campaign against the planned introduction of Value Added Tax (TAX) on newspapers in 2006. They jointly took legal action to enforce implementation of the Independent Broadcasting Authority (IBA) and Zambian National Broadcasting Corporation (Amendments) Acts, made a joint submission to the Constitution Review Commission (CRC) and continue to jointly push for general media law reform. There is, however, still need for improved and focused co-ordination, collaboration and closer linkages between civil society (including churches) and the media on issues of common concern.

SCORES:

Individual scores: 5, 4, 5, 4, 4, 3, 4, 4, 5, 5

Average score: **4.3** (2005 = 3.9)

Overall score for sector 1:

2.5 (2005 = 2.3)

Sector 2: The media landscape is characterised by diversity, independence and sustainability.

2.1 *A wide range of sources of information (print, broadcasting, internet) is available and affordable to citizens.*

ANALYSIS:

A wide range of sources of information - print, broadcast, and internet - is available, but there are problems over distribution and affordability. Major strides have been and continue to be made in the area of broadcasting which has seen considerable growth in the number of radio stations in recent years. Radio is by far the most widespread medium in the country, with commercial stations spreading to rural areas. All the country's nine provinces now have at least one or two commercial or community radio stations. Most community stations are in the rural districts. Presently, a total of 30 radio stations are licensed. Community radio stations broadcast mainly in local languages, affording rural audiences access to information in their mother tongues. The state broadcaster's radio signal covers all parts of Zambia with the ZNBC claiming that radio now reaches 6 million people (the overall population is 10.5 million).

Television is still predominantly an urban medium, although the signal of state-owned ZNBC-TV now extends to all parts of the country. Two new private television stations have been established during the last few years, the *Movie* channel and *Copperbelt Television (CBTV)*.

Internet is readily available in Internet cafés in the urban areas and is relatively affordable at a cost of between 50 and 100 Kwacha per minute. It is increasingly available in many rural parts of the country at between 400 and 500 Kwacha per minute.

There are three daily (*The Post, Zambia Daily Mail, Times of Zambia*) and a variety of weekly and fortnightly newspapers (e.g. *Sunday Times of Zambia, Sunday Mail, The Guardian Weekly*). However, their combined total circulation is less than 70,000 with the readership per copy estimated at 10 - 20 persons. This number may increase thanks to a recent practice by newspaper vendors to "lease" newspapers for a few minutes. - One reason for the low print-runs is certainly the prohibitive price of K3,000 (\$0.65) per copy. With the price of a loaf of bread at between K2,500 and K3,500 and (officially) 67 % of the population living on less than one US\$ a day, newspapers are far beyond the reach of the great majority of citizens.

SCORES:

Individual scores: 3, 2, 3, 3, 4, 4, 3, 3, 3, 2

Average score: **3.0** (2005 = 2.6)

2.2 *Citizens' access to domestic and international media sources is not restricted by state authorities.*

ANALYSIS:

Citizens' access to international media is unfettered, although direct relaying of foreign television programmes is generally prohibited in accordance with limitations imposed in the licence conditions (with the exception of *ZNBC* which carries *BBC World Service* at certain times). *BBC* radio has an FM licence for Lusaka and the Copperbelt. The relatively affluent can access international television channels via pay television providers, such as *M-Net* and *DSTV*. The import of "pornographic" material - largely undefined in nature - is prohibited.

SCORES:

Individual scores: 2, 5, 4, 4, 5, 4, 5, 5, 5, 3

Average score: **4.2** (2005 = 3.6)

2.3 *Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.*

ANALYSIS:

Although newspapers are a predominantly urban medium, the three dailies have arrangements in place to deliver a limited number of copies to rural areas on the day of publication. An average 30 copies are being sent to each of the provincial capitals on a daily basis and arrive there by midday at the latest. Because of the distances involved and the low numbers, this kind of distribution means a financial loss to the newspapers. In a Memorandum of Understanding, the privately-owned *Post* and *PAZA* (representing state-run dailies) have agreed to distribute one copy each free to rural schools and public libraries.

SCORES:

Individual scores: 2, 4, 3, 5, 4, 4, 4, 4, 4, 3

Average score: **3.7** (2005 = 2.8)

2.4 *Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.*

ANALYSIS:

The relevant laws, the Zambia National Broadcasting Corporation (Amendment) Act and the Independent Broadcasting Authority Act, were passed by parliament in 2002 and are being enacted. Both pieces of legislation were meant to create a conducive environment for public, commercial and community broadcasting. However, the ZNBC (Amendment) Act has been implemented only in part, with the state broadcaster now collecting licence fees from viewers. This is obviously in the interest of the state which seeks to cut down on its budgetary subsidies to ZNBC. The IBA Act remains completely un-enforced to this day.

This means that the political objective of the two acts – the transfer of controlling powers from the state to independent boards – has not been achieved. Appointment committees – consisting mainly of civil society representatives – have duly appointed the members of the boards, but the Minister of Information and Broadcasting Services refused to pass on the names to parliament for ratification, as provided for in the acts. The media associations jointly went to court to force the minister to comply with the act.

In 2004, the High Court ruled in their favour, arguing that the state tried to “frustrate” the spirit of the reforms to detach government from the day-to-day running of media. The state appealed and the High Court verdict was overturned on 15 March 2007 by the Supreme Court which argued that the Minister of Information and Broadcasting Services has the power to vet appointments to the boards. This is precisely the authority that the media associations sought to have removed from the Minister. They were unsuccessful with their argument that the intention of the two pieces of legislation, i.e. to remove government’s power over broadcasting, needed to be preserved. As a result of the judgement the Minister might now feel entitled to reject every recommendation by the Appointments Committees until he finds boards which suit him. In the case of the ZNBC this would mean perpetuating the illegality of the present ZNBC board which has been in place since August 2003. In the case of broadcasting regulation, the Minister still grants licences to new operators without regard to the fact that this should be done by the Independent Broadcasting Authority under the IBA Act.

Five years after the enactment of the laws, the Independent Broadcasting Authority (IBA) has not been established and the ZNBC is still controlled by a government appointed board.

SCORES:

Individual scores: 1, 1, 2, 3, 2, 3, 3, 3, 2, 1

Average score: 2.1 (2005 = 2.1)

2.5 *Community broadcasting enjoys special promotion given its potential to broaden access by poor and rural communities.*

ANALYSIS:

The growing number of new radio stations is evidence of the support and attention given

to community broadcasting in Zambia. The Media Trust Fund, run by donors and the six media associations, actively assists the establishment of new stations and provides support for programming content. The Media Trust Fund is on course in the establishment of five new rural radio stations. Community radio stations are controlled by NGOs and church organisations with the majority owned by the Catholic Church. Only a few are purely community-driven.

SCORES:

Individual scores: 3, 4, 4, 4, 4, 3, 5, 2, 4, 3

Average score: **3.6** (2005 = 4.0)

2.6 *The editorial independence of print media published by a public authority is protected adequately against undue political interference.*

ANALYSIS:

The editorial independence of the two state-owned newspapers - *Zambia Daily Mail* and the *Times of Zambia* - is not protected in any sense from undue political interference. The boards of the two organisations are appointed by and answerable to the Minister of Information and Broadcasting Services, and the Ministry's Permanent Secretary sits on both boards. The stated mission of the two publications is clear: "to advocate public policy".

Political interference is the reason for declining professional standards especially in regard to political reporting or the coverage of potentially contentious issues where government or the ruling party are involved. Top employees are under constant threat of being fired but rank-and-file editors do have a certain degree of freedom as it is very difficult under the labour laws to dismiss them.

SCORES:

Individual scores: 1, 2, 1, 1, 2, 1, 1, 1, 1, 1

Average score: **1.2** (2005 = 0)

2.7 *Local or regional independent news agencies gather and distribute information for all media.*

ANALYSIS:

There are no local or regional news agencies of any significance operating in Zambia. The *Zambia News Agency (ZANA)*, now incorporated into the Zambia News and

Information Services (ZANIS), is wholly owned and funded by government.

SCORES:

Individual scores: 1, 2, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.1** (2005 = 1.3)

2.8 *Media diversity is promoted through adequate competition regulation/legislation.*

ANALYSIS:

In theory, the Fair Practices Act which is enforced by the Zambia Competition Commission provides for adequate competition and generally proscribes monopolies. However, the Competition Commission lacks the capacity to deal with the specific issue of media diversity, given that the current competition law does not provide any guidelines on ownership structures and promotion of media diversity. The IBA/ZNBC Acts sought to enhance media diversity as they provide for independent boards with the mandate to promote just that. But their non-implementation means that this objective has so far not been met.

SCORES:

Individual scores: 1, 2, 2, 3, 3, 3, 1, 2, 2, 1

Average score: **2.0** (2005 = 2.1)

2.9 *Government promotes a political and economic environment which allows for a diverse media landscape.*

ANALYSIS:

The Fifth National Development Plan (2006-2010) which was also endorsed by the international donor community seeks to promote growth of private media and envisages the creation of a Media Development Fund by 2007. The fact that this part of the plan has not been implemented yet seems to conform with the common pattern of a disconnect between official policies and actual deeds of government.

All materials for the production of newspapers need to be imported – from newsprint to ink. High import duties and taxes impact adversely on media diversity. Government, however, has reduced import duties on computers and does not impede private investment in the media industry in any way. Further, through the Ministry of

Communications, it has provided office space and technical expertise to the RANET (Radio & Internet) programme which the government as well as local and international NGOs use to procure and distribute communication equipment to up-coming community radio stations and local communities.

Still, there appears to be no real political will on the part of government to help create a diverse media landscape. It has rejected media representations to reduce duty on newsprint and other consumables for the print media sector as well as import duties for broadcasting equipment. The government's wavering stance on the IBA and ZNBC Acts is seen as further proof of this lack of political will.

SCORES:

Individual scores: 1, 1, 3, 2, 3, 2, 2, 1, 2, 1

Average score: **1.8** (2005 = 1.5)

2.10 *Private media outlets operate as efficient and professional businesses.*

ANALYSIS:

One view is that only *The Post* newspaper and the commercial radio station *Phoenix* are operating in line with sound business practices. The other view is that even the smaller, upcoming newspapers are efficient businesses, seeing that they continue to publish even though they appear irregularly - they must be doing something right.

SCORES:

Individual scores: 4, 2, 3, 2, 3, 2, 2, 3, 2, 3

Average score: **2.6** (2005 = 2.0)

2.11 *State print media are not subsidised with taxpayers' money.*

ANALYSIS:

Neither the *Zambia Daily Mail* nor the *Times of Zambia* receive a regular subsidy from government. The government does, however, occasionally source donor funding for certain projects such as the recent purchase of ten vehicles with the help of China. Occasionally, government also assists in the settlement of financial disputes involving the papers, as it did in 2005 when it stepped in to clear a newsprint debt of about K2 billion for the *Zambia Daily Mail*.

SCORES:

Individual scores: 2, 5, 2, 5, 4, 2, 3, 4, 4, 3

Average score: **3.4** (2005 = 2.5)

2.12 *Government does not use its power over the placement of advertisement as a means to interfere with media content.*

ANALYSIS:

There is a strong perception that government, being the biggest advertiser, does use its power over the placement of advertisements to favour certain publications over others. An unnamed government contractor was reportedly warned against continuing advertising in an unnamed independent newspaper that government or its officials were unhappy with. The contractor heeded the warning so as not to endanger his business interests with government. At the University of Zambia's radio station, a sponsor withdrew sponsorship of a programme because it was perceived to be critical of government. The programme has however continued without the sponsor. Other radio programmes such as a talk show on *Radio Phoenix* only survive because of independent sponsorships from organisations such as MISA.

There may be no clear guidelines on the matter and officials may just be using their judgement - or lack of it - to discourage those they do business with from being seen to give support to publications critical of government. In the case of *The Post* newspaper government has no choice but to place its ads (e.g. tenders) there because of the daily's reach and circulation.

SCORES:

Individual scores: 1, 5, 4, 4, 2, 4, 3, 3, 3, 2

Average score: **3.1** (2005 = 2.0)

2.13 *The advertising market is large enough to maintain a diversity of media outlets.*

ANALYSIS:

Despite the general economic malaise in the country, the advertising market seems to be large enough to support the existing number of media houses. Overall adspend has even grown with the emergence of new financially strong mining companies, new supermarket chains and cell phone providers. Community radio stations especially in the rural parts of the country have a problem with attracting enough advertising depending on their location and the level of business activities in their areas. Most rural businessmen consider it prestigious to advertise and do so to be seen to be ahead of their competitors

or successful in their endeavour.

SCORES:

Individual scores: 5, 5, 4, 4, 4, 5, 5, 4, 4, 4

Average score: **4.4.** (2005 = 2.5)

Overall score for sector 2: 2.8 (2005 = 2.3)

Sector 3: Broadcasting regulation is transparent and independent, the state broadcaster is transformed into a truly public broadcaster

3.1 *Broadcasting is regulated by an independent body adequately protected against interference, particularly of a political and economic nature.*

ANALYSIS:

As outlined under 2.4. a Supreme Court ruling that clarified the appointment procedures for the board of the Independent Broadcasting Authority (IBA) was made in March 2007. The IBA, however, is still not in place because the Ministry of Information and Broadcasting Services has not acted on the judgement. Some of the proposed members nominated in 2003 by the ad-hoc appointments committee have moved on and it may be necessary to start the whole process all over again. The national budget for 2007 includes an allocation of K230 million for the establishment of the IBA, indicating that there may be some progress on this matter in the course of this fiscal year.

SCORES:

Individual scores: 2, 1, 2, 1, 1, 1, 1, 2, 1, 1

Average score: **1.3** (2005 = 1.0)

3.2 *The appointments procedure for members of the regulatory body is open and transparent and involves civil society.*

ANALYSIS:

According to the IBA Act, the appointment procedure is generally open and transparent and civil society is involved. However, the ruling of the Supreme Court which allows the Minister of Information and Broadcasting Services to veto nominees to the board without giving reasons reduces this transparency and openness. It is not clear what is supposed to happen in the case of the Minister rejecting proposed names and there is a danger of candidates being decided upon in shady deals between the Ad-hoc committee and the Minister.

SCORES:

Individual scores: 3, 3, 2, 2, 2, 2, 1, 2, 1, 1

Average score: **1.9** (2005 = 4.1)

3.3 *The body regulates broadcasting in the public interest and ensures fairness and a diversity of views broadly representing society at large.*

ANALYSIS:

The regulatory body is not functional yet.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0** (2005 = 1.0)

3.4 *The body's decisions on licensing in particular are informed by a broadcasting policy developed in a transparent and inclusive manner.*

ANALYSIS:

Because the body is not in place, a broadcasting policy has not been developed. The Minister of Information and Broadcasting Services continues issuing licences contrary to the provisions of the IBA Act which is in force and makes this the sole competency of the IBA.

SCORES:

Individual scores: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.0** (2005 = 1.0)

3.5 *The public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.*

The Zambia National Broadcasting Corporation (ZNBC) is still being run by a board appointed by the Minister of Information and Broadcasting Services although its tenure was effectively nullified by the ZNBC (Amendment) Act in 2002. The current board is illegal since it was appointed by the minister and not the IBA as stipulated by the new law. The term of office of the present ZNBC board expired in August 2005.

SCORES:

Individual scores: 1, 1, 2, 1, 1, 1, 1, 1, 1, 2

Average score: **1.2** (2005 = 1.0)

3.6 *Persons who have vested interests of a political or commercial nature are excluded from possible membership in the board, i.e. office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry.*

ANALYSIS:

While the ZNBC (Amendment) Act stipulates that persons with a vested interest (political or economic) are to be excluded from membership, some state and ruling party office holders are sitting on the current ZNBC board, among them the Permanent Secretary for the Ministry of Information and Broadcasting Services and a constituency chairman of the ruling Movement for Multi-party Democracy (MMD) who is also an aspiring candidate for the post of party Vice-President.

SCORES:

Individual scores: 1, 1, 2, 1, 1, 1, 1, 1, 1, 2

Average score: **1.2** (2005 = 1.1)

3.7 *The editorial independence of the public broadcaster from commercial pressure and political influence is guaranteed by law and practiced.*

ANALYSIS:

The letter and spirit of the ZNBC (Amendment Act) 2002 removed ministerial control over the ZNBC and thus also guaranteed its editorial independence. By giving the Minister of Information and Broadcasting Services the right to veto nominations for board members, the Supreme Court in its March 2007 judgement effectively nullified this guarantee.

SCORES:

Individual scores: 2, 1, 1, 1, 1, 1, 1, 1, 1, 2

Average score: **1.2** (2005 = 1.1)

3.8 *The public broadcaster is adequately funded in a manner that protects it from arbitrary interference with its budget.*

ANALYSIS:

ZNBC is reasonably well funded. Revenues come from television licence fees, advertising, and government subvention in the order of at least K20-30 million in grants per month. Through the government grant, which is supposed to cover the salary bill, interference is possible.

Licence fees are collected through the Zambia Electricity Supply Corporation (ZESCO) customer billing system and the Residents' Development Committees in townships. These fees have contributed substantially to the recent improvement in ZNBC's financial position. However, the system of ZESCO collecting the fees is presently subject to a legal challenge on the grounds that ZESCO can only levy for electricity. Another reason forwarded is that not everyone who uses electric power necessarily has a TV set or access to television signals.

SCORES:

Individual scores: 1, 2, 1, 1, 1, 2, 2, 3, 2, 1

Average score: **1.6** (2005 = 1.1)

3.9 *The public broadcaster is technically accessible in the entire country.*

ANALYSIS:

ZNBC radio and television broadcasts now reach all 72 districts in Zambia. The TV signal, though, does not get through to a few very remote areas of the country.

SCORES:

Individual scores: 4, 4, 3, 5, 4, 4, 3, 4, 4, 4

Average score: **3.9** (2005 = 3.0)

3.10 *The public broadcaster offers diverse programming for all interests.*

ANALYSIS:

Generally, ZNBC offers diverse programming. But there are gaps: the service offers no children's programmes and few local dramas. Economic issues are covered only once in a while and there is a lack of proper sports analysis. ZNBC is uneasy with open debate on the political/democratization process and prefers pre-recorded political programmes over live discussions. Though some attempts have been made, the corporation has not adequately incorporated the use of sign language in its news bulletins.

SCORES:

Individual scores: 2, 2, 2, 2, 1, 2, 2, 2, 2, 1

Average score: **1.8** (2005 = 1.3)

3.11 *The public broadcaster offers balanced and fair information reflecting the full spectrum of diverse views and opinions.*

ANALYSIS:

Coverage of news and current affairs continues to be heavily slanted in favour of the activities of government and the ruling party, with the president dominating air time and ministers and other state officials following according to rank ("the pyramid"). Coverage of civil society events depends on whether the first lady or a government minister officiates as guest of honour. Whereas opposition political parties are made to pay for air time, the government is given free access for its "Government Forum" programme. Live talk shows are allowed only when they deal with what the government perceives as "soft" or "safe" topics. During phone-in discussions, telephone lines have occasionally been known to suddenly develop "technical faults", blacking out voices that might have "negative" contributions to make.

SCORES:

Individual scores: 1, 2, 1, 1, 1, 1, 1, 1, 1, 1

Average score: **1.1** (2005 = 1.0)

3.12 *The public broadcaster offers as much diverse and creative local content as economically achievable.*

ANALYSIS:

ZNBC offers a great deal of local content in its programming, both on radio and television. Its news bulletins contain a lot of local material, perhaps due to its dependence on stories generated by the Zambia News and Information Services (ZANIS), a government unit. ZNBC-TV has continued to allocate air time to vernacular broadcasts in addition to the news in local languages. Radio One is wholly dedicated to programmes in seven Zambian languages. Radio Two is an English service channel that also runs a few programmes in two Zambian languages. Radio Four is predominantly a music channel which, along with Radios One and Two, has done a lot to promote and popularise Zambian music. But all these efforts do not seem to be sufficient yet, especially in regard to local drama.

SCORES:

Individual scores: 1, 2, 2, 3, 2, 2, 2, 2, 1, 1

Average score: **1.8** (2005 = 3.1)

Overall score for sector 3: 1.6 (2005 = 1.7)

Sector 4: The media practice high levels of professional standards.

4.1 *The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies.*

ANALYSIS:

The constitution of the Media Council of Zambia (MECOZ) - the self-regulatory body established by the media in July 2003 - includes a code of ethics and conduct to which all MECOZ members must adhere. Membership of MECOZ is both individual and institutional. With the exception of the *Post* newspaper, all major media institutions now subscribe to MECOZ and have accepted the code and its principles. MECOZ has been in on-going discussions with the *Post* in an effort to persuade it to join as well. So far, though, the paper has made no decision on the matter claiming that joining the Council is, after all, voluntary. More recently, MECOZ has started to negotiate Memorandums of Understanding with individual member organizations in order to establish a direct link between itself and its members.

As a self-regulatory body, MECOZ's major strength is that it is a "court of honour" rather than a court of law. Its secretariat is headed by a full-time Chief Executive employed on a three-year contract. This was initially funded for one year by the Friedrich Ebert Stiftung of Germany and efforts are under way to secure additional funding to maintain operations. It is doubtful that MECOZ will be able to sustain itself without financial support from its media house members. So far there is no indication that this will be forthcoming.

Up to now MECOZ has dealt with not even a handful of cases – causing the public to ask whether the Council really is an effective mechanism. In one case it decided against the *Sunday Mail*. A further decision is expected shortly in a matter involving former Information Minister Vernon Mwaanga and the *Post* newspaper. Though Mwaanga did not complain to the Council directly, he accepted MECOZ arbitration after it took up the matter on its own accord. MECOZ can take up matters involving non-member newspapers if they are deemed to be in the public interest.

MRCOZ has a mountain to climb: with a major newspaper - *The Post* - still outside its ambit, problems of sustainability, as well as the desirability and prudence of maintaining

a full-time chief executive which seems questionable in light of the low case load. Further, its ideals and procedures are still largely unknown even among its stakeholders and more so the public at large. MECOZ needs restructuring and a concerted publicity effort to promote itself and the ideal of self-regulation for which it was created.

Improving the performance of MECOZ is seen as a matter of highest urgency as government is now – again – threatening to impose statutory regulation for the media.

SCORES:

Individual scores: 3, 2, 3, 2, 3, 4, 4, 3, 3, 3

Average score: **3.0** (2005 = 3.3 in 2005)

4.2 *The standard of reporting follows the basic principles of accuracy and fairness.*

ANALYSIS:

Generally, reporting follows the basic principles of accuracy and fairness. Newspapers make amends for errors through apologies and clarifications and they honour the right to reply in instances of inaccurate reporting through specialized columns and Letters to the Editor. There is, however, a general perception that ownership influences the degree of accuracy and fairness exercised. The question posed is whether reporters do indeed report events and developments as they see them – or whether they are told how to see them?

Even though the stated policy of the state-owned media is to defend and protect the public interest, in practice it is the interest of the executive that they seek to defend and protect. Their reporting tends to be characterized by excessive deference to the executive branch of government. This deference sometimes results in under-reporting, omission or distortion of stories apparently in order to suit the agenda of the executive or for fear of certain repercussions.

The private media can be personal and shrill in their commentary on matters of public interest. The passion with which it pursues issues sometimes leads to distortions. Equally, though, it also results in forcing action from the authorities. Reporters of the privately-owned *The Post* are guided by an editorial policy and an agenda with ‘good governance’ as its top priority. Readers acknowledge that the *Post* does not make any bones about this agenda and tries to be as fair as possible. The paper has the highest circulation because “they will at least not hide anything.”

SCORES:

Individual scores: 3, 4, 2, 3, 3, 3, 1, 3, 3, 3

Average score: **2.8** (2005 = 2.5)

4.3 *The media cover the full spectrum of events, issues and cultures, including*

business/economics, cultural, local and investigative stories.

ANALYSIS:

Politics and business dominate coverage in all media. There is not much investigative reporting generally and almost none in the state-owned media. The result is that overall, media coverage tends to be predominantly elitist and personality-centred.

Issue-based stories rarely get lead-story treatment. This is especially true of the front pages and news bulletins of the mainstream media. A fuller spectrum of issues is covered on the inner pages, although grassroots activities, women and elders hardly get any mention. Community media do a lot better in this respect. They go out of their way to cover business, economic, cultural and other issues of relevance to their respective local communities.

Mainstream newspapers are businesses and therefore focus on stories which sell. Readers/listeners are said to be preferring personalized over issue-based stories.

There is a tendency in the media to cover only those events officiated by ministers and other senior government officials to the almost complete exclusion of those organised and run by non-governmental groups or private citizens. No minister, no coverage, seems to be the rule of thumb, and whenever there is a minister only what he/she says will be reported. As a result ordinary people do not see themselves reflected in the media.

SCORES:

Individual scores: 3, 2, 4, 2, 3, 4, 3, 3, 4, 4

Average score: **3.2** (2005 = 2.5)

4.4 *Gender mainstreaming is promoted in terms of equal participation of both sexes in the production process.*

ANALYSIS:

No precise statistics are available, but there appear to be more women than men working in the Zambian media today. All media recognize the need for gender mainstreaming and have various policies and practices to promote it. This is largely “work in progress.” So far, some positive strides have been made and there have been significant advances. For example, out of nine line editors at the *Zambia Daily Mail*, four are women. The *Times of Zambia* has a gender policy in the workplace and the *Post* is also an equal opportunity employer. In radio and television stations women also make up a large part of the workforce in various production roles.

Gender mainstreaming should not mean just giving preference to women as such but also be linked to the ability to meet set qualification standards and to deliver the work requirements.

SCORES:

Individual scores: 3, 2, 3, 3, 3, 4, 3, 3, 4, 3

Average score: **3.1** (2005 = 3.0)

4.5 *Gender mainstreaming is reflected in the editorial content.*

ANALYSIS:

Coverage in most media is slowly moving away from concentrating on high profile females, such as ministers and civil society activists, in favour of women on the ground. Community media are taking the lead in this respect. Given their growing presence and spread this could prove the trigger for better overall gender reflective coverage. The *Guardian* is also making a conscious effort to look out for female sources in its coverage.

Reporting on gender and the amount and quality of gender-related content, however, is generally still at an unsatisfactory level.

SCORES:

Individual scores: 4, 4, 3, 3, 3, 4, 4, 3, 5, 4

Average rate: **3.7** (2005 = 2.4)

4.6 *Journalists and editors do not practice self-censorship.*

ANALYSIS:

Self-censorship is inherent in the ownership structures of the media that virtually dictate the operating parameters, with state-owned media more susceptible to self-censorship. For journalists it comes down to whether or not you can bite the hand that feeds you. Thus self-censorship is an unwritten rule. Journalists and editors are generally aware of what is expected from them depending on whether they work for the state-owned or private media. This is reflected in the tone and text of stories, especially sensitive ones.

SCORES:

Individual scores: 1, 3, 1, 2, 1, 3, 1, 2, 3, 3

Average rate: **2.0** (2005 = 1.4)

4.7 *Owners of private media do not interfere with editorial independence.*

ANALYSIS:

Owners do interfere with editorial independence, especially in cases where the owner is also the editor of the publication. In general, owners try to maintain their business interests and thus – to various degrees – take an interest in editorial matters. Most of them meddle in the editorial decisions and sometimes in the coverage preferences of their respective media. The ownership and administrative structure at the *Post* newspaper where the majority shareholder is also the Managing Director and Editor-in-Chief, places that person in a uniquely powerful position to dictate editorial policy, content and coverage preferences, although he is said not to interfere with the day-to-day business which is left to a Managing Editor.

SCORES:

Individual scores: 2, 3, 1, 1, 1, 2, 1, 2, 4, 1

Average score: **1.8** (2005 = 1.4)

4.8 *Salary levels and general working conditions for journalists and other media practitioners are adequate to discourage corruption.*

ANALYSIS:

Salaries are low and working conditions generally poor. Average monthly salaries after tax are around K1.2 million for junior reporters and K1, 500,000 for senior reporters. The salary of a senior reporter barely covers the cost of the basic food basket estimated at K1, 300,000 for a family of six. Any additional income is, therefore, welcome.

The poverty of journalists exposes them to offers of various forms of gratification and other back-handers from sources in return for favourable coverage and the promotion of private agendas. There is a perception, therefore, that journalists are indeed vulnerable to corruption. In fact, however, it is claimed that cases of bribery are few. Although young journalists from time to time may ask for “something”, this is not really going to influence the content of the publication because decisions are taken at the editorial level. Generally, the risk of exposure for unprofessional behaviour has increased over the past few years thanks to a broad anti-corruption campaign in the country. Accordingly, cases of serious corruption in the media have decreased.

SCORES:

Individual scores: 2, 2, 3, 3, 2, 3, 1, 3, 3, 3

Average score: **2.5** (2005 = 1.3)

4.9 *Training facilities offer formal qualification programmes for journalists as well as opportunities to upgrade their skills.*

ANALYSIS:

Journalism training is provided by three major institutions: the Evelyn Hone College (EHC), Zambia Institute of Mass Communication (ZAMCOM) Trust, and the Department of Mass Communication at the University of Zambia, as well as by a number of private institutions. EHC has a one-year certificate course and a three-year diploma course. The Department of Mass Communication offers a four-year professional Bachelor of Mass Communication (BMC) degree. In addition, it has two masters programmes: the Master of Mass Communication (MMC) and the Master of Communication for Development (MCD), which run over two years and a year and a half respectively. In-service training for practicing journalists is obtainable at the ZAMCOM Trust which has also added a diploma programme to its offerings, although not on a regular basis. Another major in-service training provider is the Nordic SADC Journalism Centre (NSJ). The *Post* and the *Times of Zambia* also have in-house training programmes for their staff.

Taken together with numerous *ad hoc* seminars and workshops, all these institutions provide sufficient facilities and opportunities for journalists to upgrade their skills and acquire new ones.

SCORES:

Individual scores: 5, 4, 4, 4, 4, 4, 5, 4, 5, 4

Average score: **4.3** (2005 = 2.6)

4.10 *Journalists and other media practitioners are organised in trade unions and/or other professional associations.*

ANALYSIS:

The majority of Zambian journalists and other media practitioners are members of professional organisations such as MISA-Zambia, The Press Association of Zambia (PAZA), the Zambia Media Women's Association (ZAMWA) or the somewhat moribund Commonwealth Press Union (CPU) Zambia Chapter. All staff of the *Post* are members of the company's Press Freedom Committee (with fees being deducted from their salary checks). At the state-owned newspapers all employees (with the exception of management) have to be members of the Zambia Union of Journalists (ZUJ).

SCORES:

Individual scores: 5, 4, 4, 4, 5, 5, 5, 4, 5, 4

Average score: **4.5** (2005 = 4.5)

Overall score for sector 4: 3.1 (2005 = 2.5)

Overall country score: 2.5 (2005 = 2.2)

Developments since 2005 and THE WAY FORWARD

Positive developments in the media environment in the last two years:

- Successful campaign against the imposition of VAT on newspapers
- Closer collaboration and understanding between the six media associations as evidenced in the anti-VAT campaign
- Memorandum of Understanding between PAZA and the *Post's* Press Freedom Committee
- Growth of community media, especially radio
- Increased participation of women in the media

- Significant investments in public media (*ZNBC, Zambia Daily Mail*)
- Conclusion of the IBA/ZNBC court case, which means that the pending case can no longer be used as an excuse for non-implementation of the legislation
- An official undertaking by the Inspector-General of Police to discipline policemen who harass journalists

Negative developments in the media environment in the last two years:

- The unsatisfactory outcome of the IBA/ZNBC court case which means that the sitting ZNBC board is illegal and that the IBA has not been established
- Non-enactment of the Freedom of Information Bill
- Absence of political will for overall media law reform
- Constitutional reform process stalled
- Failure of MECOZ to live up to expectations
- Poor newspaper sales
- No changes to penal laws impacting on the media
- Poor training environment for journalists; classes meant for 25 now have as many as 50 students
- Pay and conditions of service for journalists still not adequate
- No relief in tax/duty regime for imports for the media industry

The main drivers or actors for negative developments:

- The *political leadership* has stalled reform processes and lacks genuine will to democratize the media environment.
- Most *journalists* do not play an active role in the media reform process.
- There is no will on the part of *media houses* to sufficiently support the Media Council MECOZ.
- *Media Associations* are not doing enough to sensitize journalists and the public/civil society on the Freedom of Information Bill and other issues pertaining to the media.

The main drivers or actors for positive developments:

- Collaborative efforts of all *media associations* and a sustained TV/radio campaign for media reform in the face of all odds
- Some *Members of Parliament* who supported legislation on ZNBC, IBA and Freedom of Information
- *Churches* which provided channels for communication
- The *public in general* which lent effective support to media reform campaigns

Some of the activities needed over the next few years:

- Engage the Minister of Information and Broadcasting Services and the Attorney General to get the broadcasting legislation implemented and the Freedom of Information Bill back to parliament
- Engage Attorney General on media law reform generally
- Strengthen MECOZ to forestall statutory regulation of the media
- Embark on a public awareness campaign to publicize the self-regulatory mechanisms

- Engage civil society and Members of Parliament in support of a programme of action for overall media reform
- Establish closer cooperation of media associations and Council of Churches on media reform issues
- Embark on a sustained campaign by media associations to publicize media issues and enlist the support of the public

The panel meeting took place at Fringilla Lodge, Chisamba, 15 – 17 June 2007.

The Panel:

Amos Chanda, journalist/media activist, Sheikh Chifuwe, journalist/media activist, Zarina Geloo, newspaper owner/editor, Lee M. Habasonda, civil society activist, Mutemwa Makomani, journalism lecturer, Kenny M. Makungu, mass communications lecturer, Suzanne Matala, religious leader, Dr. Patrick Matibini, law lecturer, Wendy M. Nawishi, radio journalist, Joy Sata, journalist/media activist

The Rapporteur:

Arthur Simuchoba

The Facilitator:

Hendrik Bussiek