



# **STATE OF THE MEDIA REPORT**

For the Second Quarter  
April to June 2015

By  
**Juliet Tembo**  
July 2015

**Contents**

Abbreviations and acronyms ..... 4

INTRODUCTION ..... 5

EXECUTIVE SUMMARY ..... 6

CHAPTER ONE ..... 8

Methodology..... 8

  

CHAPTER TWO ..... 9

Findings ..... 9

    2.1 Legal Environment ..... 9

        2.1.1 ATI Bill ..... 9

    2.2. Political Environment..... 12

        2.2.2 New Staff..... 12

    2.3 Social and Economic Environment..... 13

        2.3.1 Digital Migration ..... 13

        2.3.2 Kambwili justifies journalist beatings ..... 15

        2.3.3 Elections Media Monitoring..... 17

    2.6 Topical Issues ..... 19

        2.6.1 Chanda Chimba to pay Post Newspapers for defamation (Post 02.07.15)..... 19

        2.6.2 Post takes legal action against Daily Nation for Defamation (Post 01.07.15) ..... 19

        2.6.3 ZANIS operations worry Kambwili (Times of Zambia 14.05.15) ..... 20

        2.6.4 Police caution Post editor-in-chief and two reporters (Post Newspaper 15.05.15)..... 21

        2.6.5. No adverts on credit in govt-owned media, orders Kambwili (The Post newspaper 29.04.15)  
                ..... 22

        2.6.6. Biased Media Houses lambasted (Daily Nation 20.05.15) ..... 23

        2.6.7 Black out herbalists, media told. (Daily Mail 06.06.15) ..... 23

2.6.8. Be responsible, court tells media (Daily Mail 11.06.15) .....	24
2.6.9 Bwalya exposes more of his intrusion into public media (Post Newspaper 11.06.15).....	24
2.6.10 Pilato accused of defaming the President (Daily Mail 06.06.15; Times of Zambia 10.06.15; Post Newspaper 10.06.15) .....	25
CHAPTER THREE .....	27
3.1 Conclusion.....	27
3.2 Recommendations .....	27
3.2.1 Election Reporting.....	27
3.2.1 Access to Information (ATI) Bill.....	28
3.2.2 Digital Migration .....	28

## **Abbreviations and acronyms**

ACC	Anti Corruption Commission
ATI	Access to Information
DPP	Director of Public Prosecutions
DTT	Digital Terrestrial Television
WPFDD	World Press Freedom Day
IBA	Independent Broadcasting Authority
ICT	Information and Communication Technologies
ITU	International Telecommunications Union
LAZ	Law Association of Zambia
PAZA	Press Association of Zambia
PF	Patriotic Front
MIBS	Ministry of Information and Broadcasting Services
MISA	Media Institute of Southern Africa
MMD	Movement for Multiparty Democracy
MP	Member of Parliament
UPND	United Party for National Development
ZAMRA	Zambia Medicines Regulatory Authority
ZANIS	Zambia National Information Service
ZNBC	Zambia National Broadcasting Corporation
ZUJ	Zambia Union of Journalists
ZRA	Zambia Revenue Authority

## **INTRODUCTION**

The State of the Media Report is a quarterly report published by the Zambian Chapter of the Media Institute of Southern Africa (MISA). The State of the Media Report is aimed at documenting key events relating to the media in Zambia and assesses the level of freedom of expression of the media.

In line with MISA's position as the primary advocate for media freedom and freedom of expression in Southern Africa, MISA Zambia monitors and documents the level and extent of media freedom and violations of freedom of expression. This report is prepared on a quarterly basis and captures information and developments from various aspects relating to media and freedom of expression.

The State of the Media Report is an opportunity to document key events in the media sector but also more importantly is a process that ensures that lessons learnt and success stories are well documented. This is crucial in ensuring that the story of the media in Zambia continues but that there is also a well documented history of where we are coming from.

This particular State of the Media Report looks at the second quarter of the year 2015 ending 30th June.

This report also includes recommendations for follow up actions that should be taken up by MISA Zambia and relevant stakeholders.

## **EXECUTIVE SUMMARY**

The highlight of this quarter was the milestone reached on June 17, 2015, when the country successfully managed to migrate from analogue to digital broadcasting. The journey to this point has not been easy and in the past, government has had to postpone the migration date. Although it is only Phase 1 of the migration, it is nonetheless a great achievement despite the several challenges faced.

While we celebrate a milestone in television broadcasting, the same cannot be said of the Access to Information (ATI) Bill. It was hoped that by now, this bill would have been enacted. But we see in this quarter that the process seems to have stalled with pronouncements from both the Minister of Information and Broadcasting and the republican President saying that government was having second thoughts on the enactment of the bill. There have been a lot of misgivings from the media and stakeholders over these pronouncements and it is hoped that the process will soon get back on track as this was one of the flagship election promises from the Patriotic Front (PF) in its 2011 campaign.

As has come to be expected, new Ministers at the Ministry almost always fire senior management of public media organisations and hire their own preferred staff. In this quarter we see the entire boards of Zambia Daily Mail and The Times of Zambia being fired just before their mandate came to an end. These boards have not yet been replaced. A new managing director was also appointed at the Times of Zambia, a clear vindication of the call to ensure that public media are allowed their operational independence without fear of dismissal, owing to the direct state control.

The election media monitoring report was also launched and this provides key learning points for media houses to learn from and improve their services as we go into another election next year. The report indicates that the coverage of the January 20<sup>th</sup> election focused on personalities and not issues while certain groups of society, such as women received marginalized coverage.

The Minister of Information and Broadcasting Services announced that no government agency would be allowed to place adverts in the public media on credit. He also instructed the Ministry of Finance to assist public media to recover their debts from government. This is definitely a welcome move as public media have been having financial challenges further weakening their independence and sustainability as they have to depend on government for grants.

Amongst the topical issues that occurred in the quarter include The Post Newspaper winning a defamation case against freelance journalist Chanda Chimba and being awarded damages totaling K5 billion. This judgment has a chilling effect on the freedom

of expression and could instill fear in the media to freely express themselves. While journalists should be brought to account when actual damage is done with malicious intent, the damages awarded to the plaintiff are extremely high for a freelance journalist.

There was, also, the case of musician Chama Fumba alias 'Pilato' who was arrested and taken to court over the production of a satirical song titled 'Alungu Anabwela'. This case borders on freedom of expression but also relates to the media who are the channel of distribution of artist's songs. Pilato was later acquitted but his song is still banned from the airwaves. This further gives credence for the call to decriminalize the freedom of expression in the Penal code which in its current state is not in standing with the modern dispensation or enjoyment of democracy.

# **CHAPTER ONE**

## **Methodology**

In preparing this report, desktop research methodology was used. Reviews were done of news articles in the Daily Nation, The Post, Zambia Daily Mail and the Times of Zambia for the months under review. This involved a thorough review of each newspaper and picking out news and events related to the media.

Radio stations monitored include Hot FM, QFM, ZBNC Radio 4 and Radio Phoenix. Television news bulletins were also monitored on ZNBC TV1 and Muvi TV during the period under review. The websites of the radio and television stations were also monitored.

On-line media reviewed include Zambian Watchdog, Zambia Reports, and Mwebantu New Media.

The limitations of this study were that this study focused and was limited to stories that were reported on in the media. Potential stories that may have been covered by media outside of Lusaka could not be independently monitored/verified and some were, therefore, not included in the report.



## CHAPTER TWO

### Findings

#### *2.1 Legal Environment*

##### **2.1.1 ATI Bill**

The much anticipated Access to Information (ATI) bill has to date, not yet been presented to Parliament. There has been no official statement from Government on how far the process has gone or on the way forward.

On February 12, 2015, Minister of Information and Broadcasting, Chishimba Kambwili informed the nation that he would ensure the ATI bill was tabled in Parliament at the next sitting. However, Parliament resumed sitting and adjourned without the bill being presented.

On March 2, 2015, the Minister announced that the bill had been submitted to the Attorney General's Office for clearance pending presentation to Parliament. Information Permanent Secretary, Mr. Godfrey Malama reiterated this position when he said that the bill was still under consideration before it could be presented to Parliament for adoption. He said there was need to have hope that the government would 'decide' to enact the bill. Mr. Malama made these remarks at the launch of the MISA State of the Media Report on June 26, 2015 at Protea Hotel Lusaka. This was the last piece of information heard on the bill. It is not clear at this point if the bill is still at the Attorney General's Office or if it has been returned to the Ministry.

There was an unexpected turn of events, with both the Minister of Information and Broadcasting and the Republican President say that government was thinking twice about enacting the ATI bill.

The announcements were made at different fora following publication of a story in the Post Newspaper that government had contracted a US\$192 million loan from China to improve security wings in the country.<sup>1</sup>

Mr. Kambwili also ordered Inspector General of Police Stella Libongani to arrest Post informers and warned that the state would not be moved to enact the ATI bill if the media practiced what he termed unethical journalism.

There was outcry from stakeholders following the pronouncements. The Civil Society Coalition on the Access to Information Bill expressed disappointment that the President felt that some sections of the media would use the bill irresponsibly. The following is an extract from a statement that was released to the press;

---

<sup>1</sup> See <https://www.lusakatimes.com/2015/05/10/president-edgar-lungu-thinking-of-not-enacting-the-freedom-of-information-bill>

“It is disheartening that the President has announced that he is reluctant to enact the Access to Information bill (ATI) because he feels that some sections of the media will use the bill irresponsibly. The Civil Society Coalition on the ATI bill is very disappointed that this statement should come from the President himself, after the commitment shown in the past by the Patriotic Front government to have this law enacted. The Presidents statement indicated a clear lack of commitment to a cause that they themselves championed prior to and after the January 20 elections.

“We, as a coalition, take great exception that government intends to stall the ATI process once more on account of a non-issue. Be that as it may, government is fully aware that concealing such information regarding debt contraction from tax payers is tantamount to warrant the process of raising a red flag of no confidence in a regime. ATI law has never been about the media, it’s about public access to information from institutions that channel development.”<sup>2</sup>

The Law Association of Zambia (LAZ) released a statement disagreeing with President Lungu’s position that the ATI bill, if enacted into law, could be abused by the media to publish state secrets.

“The nation is reminded that two weeks ago, President Lungu was reported in the Times of Zambia of 30<sup>th</sup> April, 2015 as having said that access to information is a right for all Zambians and that no one should be barred from accessing information as stipulated in the constitution....

“LAZ does not agree with the position now espoused by the Republican President that the Access to Information bill, if enacted into law, can be abused to publish state secrets by anyone. The public is aware that there are existing safeguards against abuse of public information in the present laws, such as the State Security Act Cap 111 of the Laws of Zambia that provide penalties for such abuse.”

The LAZ president, Mr. George Chisanga called upon government and especially President Lungu to enact the ATI bill.<sup>3</sup>

Panos executive director Lillian Kiefer said Panos was concerned about the recent pronouncements attributed to president Edgar Lungu and Information Minister Chishimba Kambwili.

“PSAf considers the recent leakage of information on the alleged US\$192 million loan from China as an issue of management of confidential and/or sensitive government information. This is totally different from the issue of Access to Information. Restricting access to information will not stop the leakages but will increase suspicions among citizens that their duty bearers are hiding some information from them, thereby, increasing leakages.”

---

<sup>2</sup> The Post Newspaper 14.05.15

<sup>3</sup> The Post Newspaper 14.05.15

She said citizens and taxpayers had the right to know how prudently and efficiently public funds were being utilized, and for what purposes. She said this could only be done with guaranteed access to information.

“It is equally for the benefit of those wielding public authority to share this information to promote transparency and accountability, thereby seeing a positively growing Zambian democracy.”<sup>4</sup>

Norwegian Ambassador to Zambia Arve Ofstad said it is important for citizens to freely access information unless there are very good reasons to hide it.

“In our opinion, public access to information is very important and it can be separated from the issues of leakages of state secrets. In my country, we have a law which protects secret acts that are necessary to be kept secret. But we also have access to information act and even me as an ambassador, I am often asked by journalists in my own country, for them to have access to the correspondence which I have with my ministry and I have to give it, unless there are very good reasons to hide it.”<sup>5</sup>

MISA Zambia added its voice too. The following were the proposals made by MISA to the Government in the hope that the ATI Bill would be enacted before the 2016 general elections;

1. Government should indicate (through a roadmap) a timeline of the processes leading up to the presentation of the bill with an estimated timeframe for public accountability.
2. Government should circulate the revised version of the draft ATI bill to allow for review and participation by members of the public, pressure groups, and other stakeholders. This is important because the bill is for the people, the citizens of this country who should be involved throughout the process.
3. Citizens must begin to demand for the immediate enactment of the ATI bill. There must be creation of understanding on the essence of the ATI bill to offset the existing misconceptions.
4. Government should not politicise the ATI bill; there should be concrete assurance from the officers concerned to ensure that there is no chance of U-turning at any stage. A social contract should possibly be signed.<sup>6</sup>

It is clear therefore, that there is lack of clarity on the ATI bill owing to the several U-turns and negative pronouncements issued. Between 2011 and 2015 alone, the ATI bill process has stalled on several occasions hence the need to ensure the trend does not carry on about thirteen years since the bill was mooted in 2002.

---

<sup>4</sup> [Post Newspaper 15.05.15](#)

<sup>5</sup> [Post Newspaper 20.05.15](#)

<sup>6</sup> The Post Newspaper 27.04.15

According to Zamir (2008)<sup>7</sup>, as quoted by ‘Freedom of Access to Information is not only a fundamental right of an individual but also a means to power because once an individual has the right information they will be in a position to respond and make appropriate informed decisions concerning how they are governed. They will also be able to meaningfully participate in decision-making processes of their country. Ultimately, freedom of Access to Information promotes good governance.

## ***2.2. Political Environment***

### **2.2.2 New Staff**

Information and Broadcasting Minister, Chishimba Kambwili dissolved the Zambia Daily Mail and Times of Zambia boards in April 2015. According to a source quoted in the Post Newspaper of April 23, 2015, the Minister wrote to the President informing him of his decision to fire the boards and managing directors of the two companies because he felt they were not doing enough to protect the president from attacks.

The source further goes on to say that the Minister wanted a board and managing directors that would perform in line with the PF vision. To date, no new boards have been announced for both newspapers. Mr. Bestone Ng’onga was appointed as the new Managing Director for Times of Zambia, taking over from Mr. Francis Lwanga. Mr. Lwanga had served for less than three months before being fired.

Autonomy and independence of public media boards and management is an issue that has been advocated for by media, stakeholders and the public for a long time now. Over the years, there has been direct interference from politicians who appoint people to these positions. There have been cases where stories are censored, edited and sometimes cancelled because the party in power feels it criticizes them.

This practice of the Minister appointing boards and managing directors of their choice needs to come to an end. It is clear that the people appointed have their allegiance to one who appointed them and can therefore not be professional, fair or balanced in the way stories are presented in their medium.

It is very clear from the Minister’s words and actions that the people to be appointed will bear allegiance to him and the PF and he will be able to manipulate them to carry out his wishes. As the old saying goes, “he who pays the piper, calls the tune.”

---

<sup>7</sup> As quoted in a paper on ‘Promoting Good Governance through Freedom of Access to Information and Censorship of Information’ by Eness Miyanda Chitumbo and Fabian Kakana.

There should be extra steps put in place to ensure the appointments made are scrutinized by an independent body such as Parliament or a committee specifically appointed to independently oversee the process of selecting appointees. Another remedy worth consideration is to offer constitutional protection for the cardinal appointees to the public media houses in question. This way, there will be a guarantee of operational and editorial independence.

## ***2.3 Social and Economic Environment***

### **2.3.1 Digital Migration**

Zambia successfully implemented the process for the switch from analogue to digital terrestrial broadcasting on June 17, 2015 with dual casting through both transmission types. This was in the first phase of digital migration, in line with the June 17 deadline set by the International Telecommunication Union (ITU).

In a Ministerial statement to Parliament on June 16, 2015, Minister of Information and Broadcasting Services, Chishimba Kambwili said that Zambia National Broadcasting Services (ZNBC) would be the official carrier of the signal for other television stations.

He explained that the policy provided for establishment of a public signal distributor to carry the content for all broadcasters, public and private. However, considering the time required to establish a separate entity, Government decided to designate ZNBC as an interim measure, a public signal distributor and ZICTA had already issued a network licence to ZNBC after the Corporation paid K928, 000 as per license requirement.

Mr. Kambwili further explained that when the new digital broadcasting signal starts, at least four (4) channels; ZNBC's TV1 and TV2, Prime Television and Revelation Television would be accessed as a bouquet. More channels would be included in due course as other broadcasters prepare to take their content to ZNBC. This is one of the benefits of migration which has already started bearing fruit.

The minister also noted that the capacity of the Phase 1 network was twenty (20) channels and there was no cause to worry that some private broadcasters would be left out. In addition, all private broadcasting would be carried on the public network for free for a period of six months as a demonstration of Government's support to promote private businesses and enhance information flow. However, after the lapse of the six months, broadcasters will be required to pay to the public signal distributor carrier fees. Modalities and tariffs are still being worked out and the public would be informed once this is concluded he added.

This is the first phase of digital migration, along the line of rail from Livingstone in the Southern Province to Chililabombwe on the Copper Belt, which was completed at a cost of US\$9.554, 124.00 and was undertaken by Star Technologies of China.

The Minister further explained that viewers would have to purchase set-top box decoders which were approved by ZICTA and were selling at K130 at Post Offices.

Phase Two of the project, he said, would see all provincial centres migrating to digital terrestrial television while the rest of the country would migrate under Phase three.

### **2.3.1.2 A closer look at the digital migration policy**

Government formulated the digital migration policy to ensure a smooth transition of the process. It outlines how the whole process will be managed and governments vision for the broadcasting sector. Since the inception of television broadcasting in Zambia, there have been significant successes scored and as a country, we need to ensure that we continue scoring successes.

Television broadcasting in Zambia started in 1961 on the Copper Belt as an exclusive service for the mining expatriates. The service was extended to Lusaka in 1965 and coverage slowly extended to the rest of the country covering 80% of the country's population in 2012. Government was the only player in the broadcasting sector up till the 1990's when the sector was liberalised allowing other players to enter the market.

Television broadcasting is offered in terrestrial analogue technology and the nine television broadcasters include ZNBC, Multichoice, MyTV (Strong technologies), Mobi TV, Muvi TV, CBC Television, Prime TV, Chipata TV, North-West TV, and TBN. Multichoice and MyTV provide satellite subscription TV while the rest are terrestrial.

The private broadcasters set up their own infrastructure and sites alongside the infrastructure owned by ZNBC to host their transmission systems. By the end of 2012, ZNBC had 67 transmitters, Muvi TV had 3, TBN had 3 and the rest had one each.

Migrating from analogue to digital platform requires a number of changes and one of the major changes involves the revocation of the old broadcasting licenses and the awarding of new ones. The new licensing framework will have two broad licensing categories; content service provider license and signal distributor license. The policy stresses that no single entity shall hold both types of licenses at the same time.

Signal distributors shall provide network infrastructure that will receive content from broadcasters and broadcast it. Government has given this license to ZNBC. This essentially means that ZNBC will be the signal distributor and all other service providers will have to take their content to them for broadcasting. Currently, the analogue and digital systems are running simultaneously, so private TV stations are still broadcasting their own content, but once the analogue system is completely off then all other stations will take their content to ZNBC for broadcasting.

As the policy only provides for one signal distributor, then all other stations will be licensed under content providers and their role will be to develop and aggregate broadcasting content and send it for dissemination to the signal distributor (ZNBC).

At this point, it is not very clear if the switch to digital migration has been successful or not as it seems like there is no difference since both analogue and digital systems are working simultaneously. There have been reservations from private broadcaster as to how government arrived at awarding ZNBC the signal distributor license since it is also a content provider.

Many fear direct government interference in their broadcasting through ZNBC. If, for example, TV station X is perceived to be anti-government or perceived to be supporting an opposition political party, then it will be easy for government to interfere in their broadcasting by frustrating or cutting off their signal and blame the interruption on faulty equipment or lack of electricity.

The Information and Broadcasting Minister announced in parliament that ZNBC would be the signal distributor as an interim measure because of the time and resources it would take for a private company to set up as signal distributor. He did not specify how long the “interim” period will be since ZNBC had been given a full license that should run for 10 years. The policy allows for two signal distributors; a public signal distributor and a private signal distributor and government needs to be clear on the path we will take so that private broadcasters know how to proceed.

One great opportunity that comes of this is that there will be need for local content development. This will give local production houses an opportunity to be producing content for sale to broadcasting houses. In fact, government will set up a Content Development Fund to ensure development of local content as broadcasters need to comply with having 35% local content.

### **2.3.2 Kambwili justifies journalist beatings**

Officiating at the commemoration of World Press Freedom Day, Information Minister Chishimba Kambwili told journalists that cadres were beating them up because they were continuously writing negative stories on President Edgar Lungu.

The following is an extract from Mr. Kambwili’s key note speech;

“I will be failing in my duties if I do not respond to the concerns that were raised by your organising committee chairperson. I will start with the most controversial one, beating up of journalists. Let me say that whatever the circumstance, there is absolutely no reason why people should harass and beat journalists. On behalf of the government, and indeed on my own behalf, I wish to condemn in strongest terms the attitude by some political party cadres whether from PF, UPND, MMD or any political party to continue harassing journalists when they come to cover events.

“Having said that, let me say that the media also must be responsible enough and observe the ethics of journalism. You must realize that these cadres are only human beings who also have feelings and when you act in a manner that is against your own ethics, they are bound to react, although this reaction must not be encouraged. It must be condemned. Surely, there are some

media houses that have taken certain individuals, certain political parties, as their sworn enemies. I don't think that's ethical.

"Every day for 90 days, a headline on one Edgar Lungu in the negative. The supporters for Edgar Lungu will also react. So let us be responsible to make sure that what we report as media is meant to build the nation, is meant to entertain, inform, and educate and not to defame people with impunity.

"Surely, even if there is nothing else to write about, you cannot have a media house writing negative headlines from the day the man was elected at the PF convention up to today. It was only yesterday and today that I didn't see any negative, maybe probably, you are now tired. That is unethical and you must know that people are bound to react.

"When people know this is the person behind the insults, they will react. The media must observe ethics. Sometimes, these journalists, reporters, are not behind these activities, they are just told by their bosses what to do."

These sentiments are very unfortunate, especially that they were coming from the Minister of Information and Broadcasting and that they were said on a day when the whole world was commemorating World Press Freedom Day. The Minister is supposed to be in the forefront protecting journalists and ensuring that we have a free press.

One should never justify or attempt to justify the harassment of journalists. It is wrong and no amount of justification can ever make it right.

When cadres, politicians and/or the public ever feel aggrieved by the media or unfairly treated, or have any complaint against the conduct of journalists, then they need to seek redress through prescribed channels. One may choose to seek redress through the legal justice system, or through IBA or through ZAMEC. People should never take the law into their own hands.

Such sentiments tend to confirm public perception that public media are controlled government mouth pieces and therefore cannot be trusted to be objective when reporting on the government and the party in government. Journalists and editors who work in these institutions are more likely to exercise self censorship, and chances are that if they came across "negative" but truthful information against the government or government officials which is in the public's interest, that information would not be published.

And speaking in an interview ahead of World Press freedom Day, World Press Freedom Day organising committee chairperson Mr. Enoch Ngoma said that the struggle for press freedom must continue.

"We have come a long way but we have not really achieved anything. However, as media organizations, we must not be discouraged because we haven't achieved anything, we need to use this day to reinvigorate our efforts to pressure those in charge of our country to ensure that we move and press forward."



He also said that proper laws must be put in place that would govern the operation of the media in Zambia. “Those in power must be able to enact laws that will ensure that first and foremost the journalist is protected as they write their stories and do their work. The struggle must continue. Every year, we need to ignite this struggle; that is the idea of the press freedom day.<sup>8</sup>



**1 Marchers en route to the Freedom Statue during the Commemoration of the 2015 WPF**

### **2.3.3 Elections Media Monitoring, MISA Media Awards**

MISA Zambia in partnership with Media Monitoring Africa (MMA) monitored and analysed the coverage of the 2015 presidential by-elections. The research aimed to improve media coverage of elections in terms of salience, visibility, and quality.

The results presented in February were based on 500 articles which were analysed between January 5 and January 20 across 14 online, print, and broadcast media in the country. The 14 media whose content was analysed are 5 FM, Daily Nation, Hot FM, Lusaka Times, Muvi TV, Q FM, Radio 1 Christian Voice, Radio Phoenix, The Post, Times of Zambia, ZNBC TV, Zambia Daily Mail, Zambia Reports and Zambian Watchdog.

The report presented answers to the following key issues: political party coverage; sources coverage; gender; issues coverage; and, fairness.

Below are some of the key findings presented;

1. The top political parties covered were PF 35%, UPND 30%, MMD 17%, FDD 5% and NAREP 4%.
2. The issues that were covered include; party campaigning 25%, violence and intimidation 16%, party politics 12%, election logistics 8%, manifesto analyses 4%, election results 3%, justice system 3%, party coalitions 3%, development 3%, media 2%. This shows us the issues that the media put on the election agenda.

---

<sup>8</sup> [Post Newspaper 02/05/15](#)

3. Some of the issues that received very little or no coverage at all include; economics, election fraud, health, voter education, corruption, crime, human rights, education, service delivery, diplomacy, opinion polls, election funding, arts, international politics, sports, affirmative action, demonstrations, personalities, land, disasters.
4. On the issue of gender, only 12% of the sources accessed were female and 88% were male. These figures indicate that the views of women and girls on election issues were not heard by the media and therefore, the voting public.
5. Of all the stories analysed, 23% were biased and 77% fair.

The report concludes that the Zambian media is not doing enough to report elections in a way that can enable citizens to be fully informed voters. There was a lot of event based reporting which led to key issues such as health and education being sidelined.

### **MISA Media Awards**

MISA Zambia held the 13<sup>th</sup> edition of the annual Media Awards on Friday, April 24<sup>th</sup>, 2015 at the Intercontinental Hotel. The awards presentation ceremony was graced by the Arch Bishop of Lusaka His Grace Telesphore Mpundu. The awards featured both sponsored and honorary awards in various disciplines.

The Annual Media Awards are a high profile social event which attracts the presence of leaders in Government, the Diplomatic Corps, Civil Society and the Corporate Sector, who gather to recognize the role of the media in promoting democracy and good governance. The awards were established in 2002 to honour people and organisations that have made a mark in ensuring that the country's democracy grows through entrenchment of values of access to information, freedom of expression and that of the media.

Addressing the gathering, Arch Bishop Mpundu stated that democracy could not thrive without a free press while MISA Zambia Chairperson, Hellen Mwale, said it was important for media to always be professional and uphold high standards of journalistic practice.



**2 An Award recipient shakes Arch Bishop Mpundu's hand while MISA NGC members look on.**

## ***2.6 Topical Issues***

### **2.6.1 Chanda Chimba to pay Post Newspapers for defamation (Post 02.07.15)**

The Lusaka High Court ordered freelance journalist Chanda Chimba to pay Post Newspapers Limited K5 million for defamation. This was in a case filed by the Post Newspapers in 2010, against Chanda Chimba and Muvi Television as first and second defendants, for defamation and libel when the former produced a documentary which was aired on Muvi TV.

The Post Newspapers and its Editor-in-chief, as the plaintiffs, demanded special damages of K5 million, on account of the malicious nature of libel. According to facts before the court, Chanda Chimba on May 9, 2010, caused to be aired on Muvi TV a political documentary in contumelious disregard of the plaintiff's respective reputations, business and professional standing.

The following are the words submitted to have been defamatory and libelous; *".....But M'membe's critics have indicated that he started hitting hard on Chiluba when he assumed the Presidency of this country because there were certain things that Chiluba and his colleagues in the MMD did not deliver to him and the Weekly Post, as it was known then,"* and *"....But towards the end of Mwanawasa's first term, Levy and M'membe's Post started seeing eye-to-eye, what is commonly referred to as going to bed together. There was obviously something the Post was gaining out of this."*

The Post further submitted that the words meant that they attacked Chiluba on the basis that the MMD had not delivered on some unspecified favours.

In the judgment delivered on June 29, 2015, Chanda was ordered to pay K5 million in damages, after he failed to file any defense in the matter.

This judgment has set a very bad precedent in that the damages awarded are way too high for a freelance journalist. The highest defamation charge ever paid was K35 million (old currency) by the Post Newspaper to Sonny Mulenga when they accused Mr. Mulenga of corruption and failed to prove it in court.

The judgment will instill fear in other media organisations and instill fear in freedom of expression. It worth mentioning that journalists should be brought to account where they have injured others with malicious intent, aforethought. However, damages should as much as possible be commensurate and consider the plight of the journalists also. Otherwise it may have a chilling effect on the freedom of expression.

### **2.6.2 Post takes legal action against Daily Nation for Defamation (Post 01.07.15)**

The Post Newspapers Limited took taken legal action against the Daily Nation Newspaper and its proprietor Richard Sakala for alleging in an article that, the letter to evict Dr. Christine Kaseba from 8 Reedbuck Lodge was generated by the Post on June 10, 2015.

The Post demanded a retraction of the story, an apology, and the sum of K2 million as damages for defamation within seven days or they would commence court proceedings.

### **2.6.3 ZANIS operations worry Kambwili (Times of Zambia 14.05.15)**

Minister of Information and Broadcasting, Chishimba Kambwili is concerned about the operational challenges that the Zambia News and Information Services (ZANIS) and Bangwela Community Radio Station in Samfya District in Luapula Province are facing.

Mr. Kambwili said this when he visited ZANIS and Radio Bangwela offices in May. Samfya District Information Officer, Bettyshebar Chola said her office had no internet connectivity which affects daily operations as transmission of news stories becomes a challenge.

Mr. Kambwili said internet connectivity at any media institution is the key to the timely transmission of news stories in order to effectively inform the public on the events taking place in the District. He also said that government wanted ZANIS to have its own broadcasting channel, which will be broadcasting 24 hours every day.

ZANIS is a key media player being our only news and information agency. The role that ZANIS plays in gathering and disseminating news and information from all corners of the country is very important. Government needs to ensure that ZANIS bureaus country wide have at least the minimum requirements for effective and efficient operations. This includes reliable internet connectivity. In our information age, the internet is critical for good media practice.

There is need for clear policy on Community Radio stations which are a vital partner in access to information for most rural communities as they are within the proximity (both physical and in characteristic) of the listeners. As such, it is important to ensure they are sustainable and assisted to live up to high standards of broadcasting. MISA Zambia and other players have continued to support certain of the community radio stations with grants and several programmes to build capacity and equip the staff in the radio stations, some of whom are volunteers and amateur journalists.



**3 MISA Zambia Finance and Administration officer, Brian Chanakila conducting training at Mkushi Community Radio Station during a capacity building programme in the quarter.**

#### **2.6.4 Police caution Post editor-in-chief and two reporters (Post Newspaper 15.05.15)**

Police on Tuesday May 12, 2015, warned and cautioned Post Newspaper editor-in-chief Fred M'membe and reporter Mukosha Funga over a letter that the Anti-Corruption Commission (ACC) director general Rosewin Wandi wrote to President Edgar Lungu, informing him of the corruption investigations against his aide, Kaizer Zulu. The other reporter, Kombe Mataka, who was also summoned, was, however not questioned on account of her pregnancy.

NGOCC executive director, Engwase Mwale said the summoning of the editor-in-chief and the reporters was totally unnecessary and an affront to media freedom. She urged the government to desist from muzzling the media through the use of archaic secrecy laws. Ms. Mwale said that instead of intimidating journalists, the government should explain to the nation how it intends to utilise the loans being contracted and the net effect on the country's economy, especially on the majority poor.

"In our view, the summoning of the journalists from the Post newspaper is totally unnecessary and an upfront to media freedom. As opposed to intimidating journalists with arrests, the government should instead explain to the nation how they intend to utilise the loans being contracted and the net effect on our country's economy, especially on the majority poor."

She also said there was need for government to immediately enact the access to information bill.

"As citizens, we have the responsibility and duty to monitor the conduct of the government and we are, therefore, of the view that the Access to Information law would also be a counter measure against vices such as corruption and other hidden agreements such as the US\$192 million debt. This law, without doubt, will enhance transparency and accountability in the operations of the State and minimise the spillage of 'classified' documents."

As pointed out above, this points to the need for the ATI bill which will enable public access of vital information without fear of retribution. Of course, the bill sets out procedures and measures to maintain integrity of information. However, the legal provision that allows identified state functionaries to 'classify' information has been used arbitrarily even when the information in question is in public interest and has potential to affect the daily livelihood of the citizenry. This development is therefore worth watching closely.



**4 Funga (in black) & M'membe (center) at the Woodlands Police Station.**

### **2.6.5. No adverts on credit in govt-owned media, orders Kambwili (The Post newspaper 29.04.15)**

Information Minister Chishimba Kambwili said it had come to his attention that ZNBC, Daily Mail, and Times of Zambia were owed a lot of money by government departments through adverts secured on credit.

In an interview with ZNBC, the Minister said no government department shall be allowed to advertise in any public media on credit and he warned public media marketing managers that he would not take kindly to anyone who will defy his directive.

“Government agencies and ministries have been allowed to advertise with these media houses on credit. I am therefore directing the media houses that, with immediate effect, no government ministry, no spending agency or quasi-government organizations such as councils will be allowed to advertise on ZNBC, Zambia Daily Mail, and Times of Zambia without first producing a cheque.

“So from today, it must be a cheque before an advert and I will not take kindly to any marketing manager who is going to allow any institution to advertise in any part of the public media without paying for the advert first.”

He said his ministry had written to the Ministry of Finance to recover all monies owed to public media houses by government departments before releasing their funding allocations.

This is a welcome move as public media are owed a lot money from government departments. It is hoped that the Ministry of Finance will assist in recovering most of the revenue. It is also hoped that this directive will stand the test of time and will be upheld by successive governments.

Public media have been struggling financially and this revenue may assist in paying workers dues and statutory obligations.

### **2.6.6. Biased Media Houses lambasted (Daily Nation 20.05.15)**

The Annel Silungwe Tribunal investigating embattled Director of Public Prosecutions (DPP) has lambasted some private media houses for having created parallel tribunals and viciously attacking members of the tribunal and potential witnesses using uncouth language.

The tribunal decided that it would hold its proceeding in camera to avoid its standing from being eroded by whimsical attacks from any section of the media some of which have been known to freely attack potential witnesses and advocates.

Justice Silungwe stated that the members of the tribunal had not been spared from personalized and vicious attacks stating that the members had been victims of uncouth language from the first day the tribunal was appointed by President Lungu.

He said that some media houses and some individuals seemed to have taken sides with little or no objectivity at all but were full of bias in their reportage.

He ruled that the tribunal would hold its proceedings in camera to avoid the media houses that had taken sides from serving their own interests, reporting bias, instead of the tenets of integrity and nobility of the office of the DPP which was safeguarded by Article 58 of the Constitution.

Justice Silungwe said that the unfair, inaccurate and uncouth attacks on members of the tribunal was an affront to the integrity of the tribunal itself and holding the proceedings in camera would not only be protecting the integrity of the office of the DPP and the witnesses but would also safeguard the interests of justice.

### **2.6.7 Black out herbalists, media told. (Daily Mail 06.06.15)**

The Zambia Medicines Regulatory Authority (ZAMRA) has written to media organizations to stop accepting adverts on herbal medicines.

ZAMRA director general Esnart Mwape said in a statement that there has been gross advertising of medicines without marketing authorization. She urged media houses to only publish adverts for medicines that are accompanied by written approvals from ZAMRA.

According to the Medicines and Allied Substance Act number of 2013, a person shall not place on the market, advertise, manufacture, sell, import, supply, administer or deal in any manner with any medicines or allied substance without marketing authorization issued by ZAMRA.

Any person who publishes such adverts or statement by printing it in any newspaper shall be guilty of an offence and will be liable to conviction, a fine not exceeding K400, 000 or imprisonment.

### **2.6.8. Be responsible, court tells media (Daily Mail 11.06.15)**

Kitwe chief resident magistrate Penjani Lamba has urged the media to exercise utmost care and responsibility in their reportage of court matters. Magistrate Lamba's caution came in the wake of a complaint by lawyers representing former Cabinet Office permanent secretary in charge of administration Annie Mwewa regarding the manner ZNBC reported proceeding of the last sitting.

When the case came up for continuation of trial, one of Mwewa's lawyers, Noel Simwanza told the court that the defence was disappointed with subjective and opinionated reporting of the matter by the national broadcaster. "We are praying to this honourable court to caution our friends in the media on the dangers of careless and unfactual reporting of matters that happen in court and commenting on matters that are *sub-judice* in a manner that is unbalanced," he said.

Magistrate Lamba said if in doubt, it is wise in the interest of justice for journalists to seek clarification from court records which are available under supervision. She said it is always important to report court proceedings in an accurate and factual manner because media reports have a bearing on public perception of court cases.

### **2.6.9 Bwalya exposes more of his intrusion into public media (Post Newspaper 11.06.15)**

Frank Bwalya said there is nothing unusual about the letter he wrote to Zambia Daily Mail management questioning the newspaper over some content it publishes because he has done the same before to ZNBC.

He wrote a letter to the newspapers management questioning their motive in publishing a picture of Zambian Voice executive director Chilufya Tayali after he was acquitted of a rape charge. He said the newspaper was wrong to carry a picture of Tayali because he had been criticizing President Edgar Lungu and those associated with the presidency like former chief justice Mathew Ngulube and State House aides.

The Press freedom Committee of The Post told Bwalya to keep his hands off the Daily Mail, while the Media Liason Committee wondered what role he was playing at the newspaper.

In response, Bwalya said that there was nothing unusual about the letter he wrote as he had written similar letters in the past, the most recent one being to the director general of ZNBC when they reported that Chitimukulu Henry Kanyanta Sosala had endorsed Hakainde Hichilema. "I wrote a letter to ZNBC to say that it was a lie and I demanded that they retract the story and apologise. They did that and they did a good job by bringing Chitimukulu on the screen and he said that it was a lie that he endorsed Hakainde Hichilema. So there is nothing strange with that letter to Zambia Daily Mail."



### **2.6.10 Pilato accused of defaming the President (Daily Mail 06.06.15; Times of Zambia 10.06.15; Post Newspaper 10.06.15)**

Musician, Chama Fumba, alias Pilato appeared in court on the 9<sup>th</sup> of June, 2015, and pleaded not guilty to the charge of conduct likely to cause the breach of peace by producing a song 'A Lungu Anabwela'. He was released upon payment of a K1, 000 bail with two working sureties in their own recognizance after Police denied him bond.

The song in question is allegedly defamatory to the Republican President and is said to have incensed some sections of society who reported Pilato to the police. Featuring the voice of Micheal Sata, the lyrics of *A Lungu Anabwela* depicted the predicament of a politician called Lungu, who emerges from Chawama compound with a suitcase full of Jameson whiskey and ascends to power following the death of a leader but has no idea how to govern.

Fumba who was charged with the offence following his arrest earlier in the week, spent a night in the cells after he was denied bond. Police had also summoned two Komboni Radio disc jockeys after they received information that they were playing the song on air. The two disc jockeys were allowed to go after they denied playing the song on radio and statements recorded from them.

Fumba was later discharged after he was acquitted by the court.

This case represents a violation of an artist's freedom of expression. It has many lessons for media practitioners who may be satirical writers or whose media may be the channel of distribution of the message. Two Komboni Radio disc jockeys were summoned to the police accused of playing the song on radio. There have been instances where songs have been banned from being played on radio and television and media practitioners have been threatened for playing them. Not too long ago, we had the song *Bufi* by Peterson banned.

The case in question brings to the fore the need for the amendment of the Penal code which is, in its current form, archaic and does not conform to the modern enjoyment of democracy and freedom of expression. Previously, most penal code provisions have been used arbitrarily to suppress or victimize those seen to be publishing or broadcasting dissenting or critical views. As such, there is need to 'decriminalize' the freedom of expression in Zambia.

Among some of the laws that are inimical to the enjoyment of freedom of expression in Zambia are Section (S) 53 of the Penal Code on prohibited Publications, S69 on Defamation of the President, S60 on Seditious Practices, S177 on Obscenity, The State Security Act Cap 111, and The Public Order Act Cap 113. Others that need to be reconsidered include the IBA Act and the ZNBC Amendment act to allow for the reinstatement of the appointments committees and other oversight structures in the selection of principal officers or board members.<sup>9</sup>

---

<sup>9</sup> MISA Zambia Policy Brief on Media and policy in Zambia, Youngson Ndawana, April 2015.



**5 Pilato (Black cap and outfit) visits MISA House en route to Lusaka Central police where he was eventually arrested & charged.**

## **CHAPTER THREE**

### ***3.1 Conclusion***

A Review of the quarter shows that there has been a huge setback in terms of enactment of the ATI bill with pronouncements that government was thinking twice about taking the bill to Parliament. This is saddening especially given the progress (though not satisfactory) that has been made over the last 13 years since the bill was first mooted in Parliament. Several players continue to hold out hope that the ATI bill will one day be successfully enacted in Zambia in line with global trends that are gravitating towards open, transparent governance that allows citizens to fully participate and influence decision making through access to vital information as per procedure outlined in the bill.

The highlight of the quarter is the successful migration from analogue to digital terrestrial television broadcasting. This may have brought with it certain challenges, but it is hoped that the opportunities will override them. It is also hoped that the period remaining before the final switchover will be used with maximum efficiency to create awareness and iron out the issues obtaining around the structure of the migration process. That way, the final switchover will be well received come December 2015.

### ***3.2 Recommendations***

#### **3.2.1 Election Reporting**

It is recommended that media houses deliberately set an agenda when it comes to elections. The media has the responsibility to ensure that key issues are raised on behalf of the electorate and discourse followed.

It is also recommended that women (and girls) as well as other marginalised groups are given a voice during elections and that their issues are brought to the fore. In a country where women make up over half the population, women are key in term of voting as well as contributing to the economy. It is hoped that the number of women as sources of news and information will increase. Specifically:

- There must be capacity building for Journalists on election reporting and all aspects of the election cycle.
- Party manifestos and policies must be made readily available and as much as possible there should be focus on issues and not personalities.
- There should be guaranteed protection of journalists from political violence and other forms of interference during the execution of their duties.

### **3.2.1 Access to Information (ATI) Bill**

Dialogue with government on the ATI bill needs to continue and so does public awareness of the bill. Government needs to reconsider its current position and enact the bill which they promised the people of Zambia.

There is need for a clear position from the government on the ATI bill as well as transparency in the handling of the whole process. It is clear and should be understood that the ATI bill is not for Journalists but for the wider citizenry that stand to benefit as they will be able to participate in the governance process more effectively.

### **3.2.2 Digital Migration**

Even as the country has already migrated to the digital platform in the first phase of digital migration, there is still a lot of work to be done.

There is need for continued public awareness on what digital migration is and on what the public is expected to do. Additionally, the Set-top boxes must be made as widely available as possible at the most affordable prices to avoid disadvantaging some of the more vulnerable viewers.

Government needs to stick to the migration policy and ensure that decisions they make are in line with the policy. It is therefore fitting that the issue of an independent carrier is taken into serious consideration in order to build consensus. This will lessen the confusion that may arise when after the full switch to digital migration in December 2015. Further, it will be fitting for government to consider waiving duty on broadcasting equipment such as transmitters which are subjected to VAT at 16% and excise duty. As earlier mentioned, the digital migration process involves the replacement of old, analogue transmitters with digital transmitters and other studio equipment. With the current exorbitant taxes levied on broadcasting equipment, it will be difficult for some stations to effectively migrate and aspire to provide a high quality broadcast service.

Similarly, it is pertinent that advance preparations are made for the migration of radio transmission to the use of spectrums. These preparations should take into account lessons that will be learnt from the digital migration process for television.