



STATE OF THE MEDIA IN ZAMBIA

July-Sept 2021



With support from

**FRIEDRICH
EBERT
STIFTUNG**

STATE OF THE MEDIA REPORT

Third Quarter
(July-September)
2021

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Executive Summary

The State of the Media Report is a quarterly assessment of the media environment in Zambia. This edition covers the third quarter of 2021 i.e. July-September. This assessment and record describes the media trends in Zambia during the period and was prepared under the auspices of the MISA Zambia Chapter.

This report includes a number of interesting occurrences that added new developments, twists and opportunities alike for the overall media environment in Zambia.

The socio-political environment was generally calm with only one reported incident of violence/harassment against media houses/practitioners, a continuation of the positive trend observed in the second quarter. This positive outlook was further bejeweled with progressive pronouncements from the newly elected government headed by President Hakainde Hichilema who stated the said in his victory speech and during the official opening of the National Assembly. The quarter under review was mainly characterized by electoral activities which relied on the media as a facilitator because of a third, vicious wave of COVID-19, with severe restrictions on public gatherings and political rallies. The media encountered various challenges in their coverage of the general elections held under the new normal while high polarization of the media landscape and unfair coverage by public media remained topical.

The legal environment did not record any significant developments or recorded incidents of application of archaic laws against the media outlets. Notably, a victory was scored when the IBA granted Prime Television a Broadcasting license, exactly one year after the Station ceased broadcasting due to what begun as a misunderstanding with government on COVID public service announcements, later escalating into the station's licence

being withdrawn in public interest. However, critics were quick to note why the station's licence was granted only after the United Party for National Development – UPND won the elections placing the Patriotic Front into the opposition seat.

The economic environment posted a more positive outlook compared to the second quarter. The quarter witnessed a notable improvement in economic activity, appreciation of the currency (which translated into lower cost of inputs), stable electricity supply and increased political advertising and sponsorship. While developments in the quarter were mainly positive, a high level of uncertainty remains with regard to sustainability of this economic trajectory, with certain variables resuming an upward trend at the close of the quarter, albeit marginal.

The technological environment was stable, save the abrupt partial internet shutdown which resulted into some social media sites being inaccessible during and after the polls. The blockade cast aspersions on the country's record with regard to respect for freedom of expression and access to information. On a positive note, the quarter witnessed application of various virtual technology applications by media practitioners and other stakeholders to mitigate the restrictions necessitated by the COVID pandemic. An increase in the number of media houses was also noted.

The review in this report shows that there has been no significant development in comparison to the previous quarter in most of the key thematic areas. Overall, the third quarter continued on a more positive outlook than the second quarter given certain improvements and progressive pronouncements of the new dawn administration lead by the UPND which had been the main opposition for years. Suffice to say, a number of isolated negative developments were recorded.

Acknowledgements

The researcher wishes to thank the various experts and media practitioners for providing the necessary input that helped to shape this report. Your contributions helped to enrich the report and provide the much needed validation.

Also, special thanks go to the cooperating partners of MISA Zambia including Friedrich Ebert Stiftung (FES) who have been supporting the compilation and production of this report for the development of the media sector which in turn contributes to democratic governance in Zambia.

Finally, the staff and members of MISA Zambia who, through their input directly and indirectly provided the necessary direction for this report.

Table of Contents

Contents

Executive Summary.....	3
Acknowledgements	6
Table of Contents.....	7
List of Acronyms.....	8
1.0. Introduction.....	9
2.0. Methodology	10
3.0. Trends.....	11
3.1. Socio-political environment	11
3.2. Legal Environment	17
3.2.1. Access to Information	24
3.3. Economic Environment	25
3.4. Technological environment.....	30
4.0. Conclusion	37
5.0. Recommendations	38
6.0. Appendices.....	40
6.1. Interview guides.....	40
6.2. Questionnaire.....	41
6.3. Alerts/Selected news stories (News Diggers).....	43

List of Acronyms

ATI	Access to Information
ECZ	Electoral Commission of Zambia
IBA	Independent Broadcasting Authority
ICT	Information and Communication Technology
UPND	United Party for National Development
VPN	Virtual Private Network
ZICTA	Zambia Information and Communication Technology Authority
ZNBC	Zambia National Broadcasting Corporation

1.0. Introduction

The *State of the Media* is a quarterly report of trends and developments in the media sector. The report serves as an advocacy tool for media policy reform as well as an archive of information which can be used for reference on media developments in Zambia.

The report has previously helped to shape policy formulation with regard to media freedom, freedom of expression and access to information in Zambia. The report, which has been published quarterly for over fifteen (15) years, serves as a tool for dialogue and action in the media fraternity, government and non-governmental sectors alike.

The rationale of the report is based on the corollary between media performance of certain cardinal functions and democratic governance. However, the media are affected by various trends and developments that could undermine their performance.

In this regard, the report is divided into various sections covering the socio-political, economic, legal and technological environment in which the media operated in the period under review.

The objectives of the report are, therefore, to:

- Report political, economic, legal and technological trends in the media sector in Zambia
- Assess the level of freedom of expression and media freedom

2.0. Methodology

The report is exploratory and descriptive in nature as it mainly aims to present the general state of the media sector in the identified quarter.

In compiling this report, a desk review was conducted in which an analysis of various materials pertaining to freedom of expression and the welfare of the media within the quarter under consideration was undertaken. This was augmented by a review of various media publications (electronic, print and online) as well as MISA media violation alerts to establish the common themes with regard to the objectives of the study.

The report also employed the use of interviews with purposively selected participants on the basis of their known or presumed knowledge about issues related to or affecting the state of the media. The participants comprised democratic governance advocates, media experts, statutory institutions and practising journalists to gain a deeper understanding and validation of some of the phenomena observed in the quarter.

In the same vein, a questionnaire was administered to a convenient sample of media practitioners drawn from various media houses (and types) in Central Zambia. The Province was selected for ease of access as well as the cosmopolitan nature of the media fraternity; a total of nineteen (19) journalists from eleven (public, private and community) media outlets (print, radio and television) were surveyed.

3.0. Trends

3.1. Socio-political environment

The social-political environment in the quarter under review was eventful given the activities leading up to the general elections in August.



There was only one recorded incident of political violence against a media practitioner in the quarter, a trend which has lessened in comparison to previous quarters as highlighted in the second quarter *State of the Media Report*. On 23rd July, Victor Mwila, the Ikelen’gi District Information Officer was attacked by UPND cadres. The journalist sustained injuries and lost a camera, mobile phone and cash. The incident was condemned by Ministry of Information Permanent Secretary, Amos Malupenga; including MISA Zambia.

Political violence against media practitioners must be nipped in the bud as it undermines the functions of the media in society by instilling self-censorship. Self-censorship (for fear of political retribution) compromises the journalist’s professional editorial judgement in protecting public interest.

Notably, there has been a marked reduction in reported cases of violence against journalists and this is attributable to the various activities undertaken by media advocacy organisations, including MISA Zambia, as well as the government through regulators such as the Independent Broadcasting Authority and the Zambia Police Services. It is no wonder that even incidents of harassment by state officers/authorities were not rampant during the quarter. For example, most survey participants did not encounter any harassment from government officials and authorities such as district commissioners, among others as indicated in chart 1.1 below.

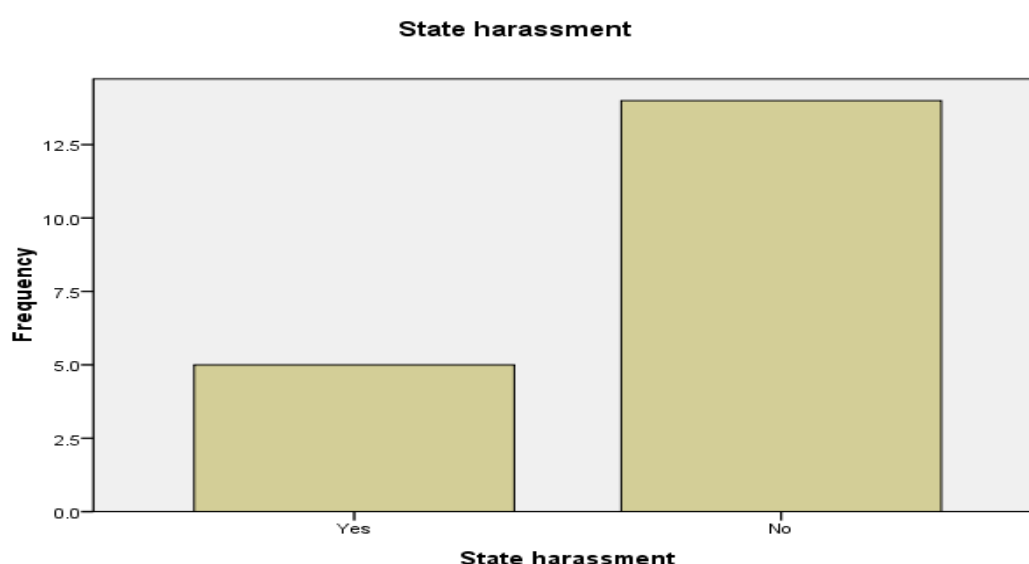


Chart 1.1 Experience of harassment by government officers/authorities

Another notable issue in the quarter under review is the successful holding of the 2021 general elections which ushered in Mr Hakainde Hichilema as Zambia's seventh Republican President. The media played a critical role in ensuring the success of the elections by facilitating access to information through news coverage and provision of a platform for debate. The news

media have three key normative functions which can be used to measure performance as opined by Norris (2000)¹.

The media contribute to pluralistic competition by acting as a civic forum for debate. The media also promote conditions for public participation by acting as mobilising agents and in so doing encouraging political learning, interest and participation. Further, the media preserve conditions for civil liberties and political rights. This is done by acting as a watch dog to hold government leaders accountable on behalf of the public. During elections the role of the media is even more critical.

As such, media outlets during the quarter participated in nurturing informed electorate. This was more critical because most of the electioneering was done through media outlets due to the surge in cases of COVID-19. The IBA commended media houses for the professional coverage of the general elections in the following statement by IBA Director-General, Josephine Mapoma:

The Independent Broadcasting Authority (IBA) has commended broadcasting stations in the country for their coverage of the just ended general elections, particularly from polling day, up to the time of the declaration of the winner.

The Authority observed that generally, a number of broadcasting stations covered the just ended elections in an ethical and professional manner.

Further, the IBA is gratified to note that broadcasting stations aided and allowed for a peaceful co-existence, through the manner in which they covered elections. This largely contributed to holding of peaceful elections, as there was no sensational reporting.

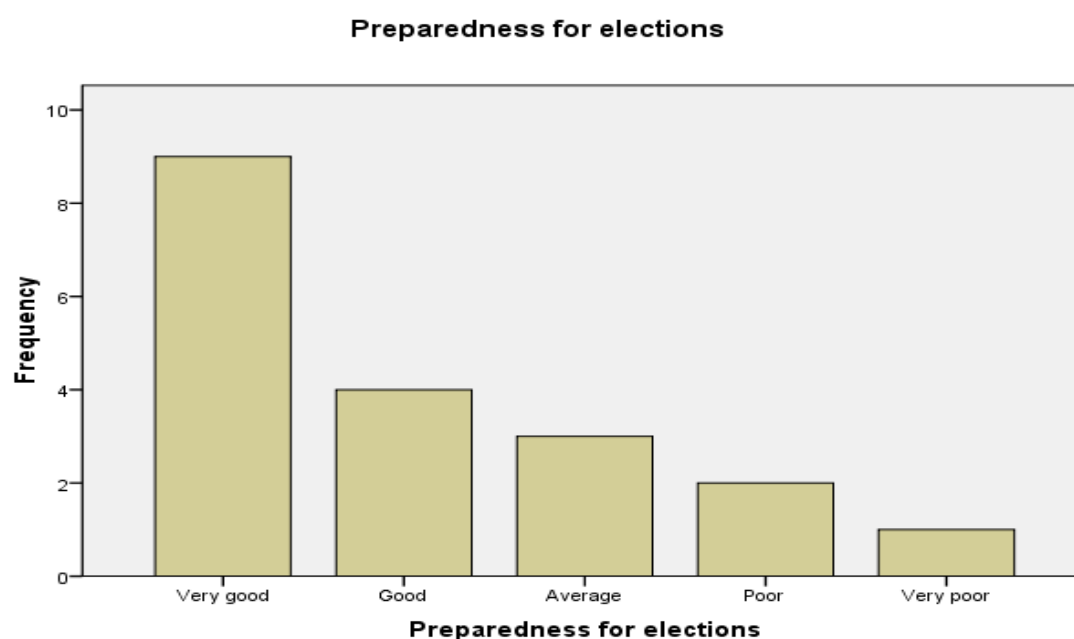
Prior to the elections, the Authority conducted countrywide capacity building programmes for broadcasting stations in election reporting,

¹ Norris, P. (2000). *A virtuous cycle: political communications in post-industrial societies*. New York: Cambridge University Press.

which acted as a catalyst to professional conduct. To this effect, the Authority wishes to thank all stakeholders, state and non-state actors that played a role in conducting capacity building for different media personnel.

The IBA wishes to reiterate its call to all broadcasting stations to continue to work in an ethical and professional manner in accordance with the IBA Act even now that the elections have come to an end.

The coverage may be attributed to the level of preparedness for the elections by most media houses. For example, the majority of survey respondents described their media house's level of preparedness as "very good" as shown in Chart 1.2 below:



Other stakeholders, such as the European Union Observer Mission (EOM) described the media landscape before and during the elections as “highly polarised”, with the ruling party monopolising prime-time on both state and private media². According to the EOM preliminary statement on the August

² For example, in June, the ruling PF was reported as threatening to sue media houses that would not block other political parties during prime-time slots according to advertising agreements signed with the party. See [PF threatens to sue media houses if they fail to block other advertisers during election eve rally – Zambia: News Diggers!](#)

12 elections³, private media coverage did not remedy the overall imbalance between the time allocated to the ruling party and other contenders by state media⁴, even if those broadcasters gave higher exposure to a few prominent opposition figures⁵. Concerns on the unfair allocation of public media coverage were also raised by some interview participants.

The coverage accorded by public media is discussed further in the legal environment in 3.2 below. It is no wonder that one of the promises made by President Hakainde Hichilema in his victory address included the prioritisation of reforms in the operations of the country's public media⁶.

Among the major challenges faced by media practitioners during the 2021 general elections, as indicated by the survey respondents were inadequate financial resources to effectively cover the elections, lack of transport and other logistical requirements, intermittent internet connectivity particularly during a social media blockade on 12th August⁷ as well as preventive restrictions under the COVID pandemic as indicated in the representative word cloud below.



³ Available at https://eeas.europa.eu/sites/default/files/ps_zambia_final.pdf

⁴ In July, Council of Churches in Zambia (CCZ) general secretary Fr Emmanuel Chikoya expressed concern over continued poor coverage of opposition candidates on the national broadcaster ahead of the August polls. See <https://diggers.news/local/2021/07/13/poor-coverage-of-opposition-parties-on-znbc-worries-council-of-churches/>

⁵ For example, in June, 2021, the UPND was granted leave by the Ndola High Court to apply for judicial review challenging the failure by the Electoral Commission of Zambia to prescribe the amount of airtime allocated to participating political parties on public television and radio media platforms.

⁶ The speeches can be viewed at <https://www.facebook.com/search/top?q=hakainde%20hichilema>

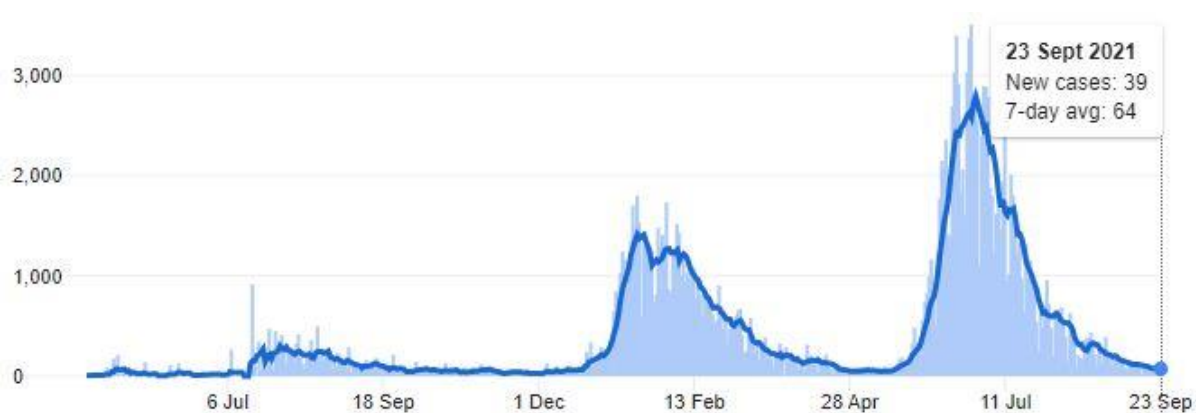
⁷ This is discussed further in the Technological Environment in 3.4 below

On the social front, the impact of the COVID-19 pandemic remained dire throughout the quarter under review, with an average of over two thousand daily cases at the beginning of the quarter which was the peak. The rest of the quarter witnessed a downward trend, with the curve eventually flattening in September. The COVID pandemic limited the media's ability to fulfil their functions especially in view of the elections. As such, the media had to adopt alternative methods of interacting with sources. One respondent, a journalist, remarked:

It affected my work in the sense that most of the news sources did not trust us as they suspected us of being COVID-positive

Another respondent also a practising journalist stated:

It affected us in such a way that not everyone used to report for work on a daily basis. We were divided into small groups and that compromised our security during political assignments



Above: COVID-19 trajectory in the quarter⁸

Overall, the socio-political environment in the third quarter was generally calm with only one reported incident of violence/harassment against a media practitioner, a positive continuation of the encouraging trend observed in the second quarter. The media encountered various challenges

⁸ According to the COVID-19 Data Repository by the Center for Systems Science and Engineering (CSSE) at Johns Hopkins University. See <https://github.com/CSSEGISandData/COVID-19>

in their coverage of the general elections held under the new normal. The high polarisation of the media and unfair coverage by public media remained topical through the quarter. The media were also affected by the resurgence of the COVID-19 pandemic in what was believed to be a vicious third wave, thereby restricting their ability and latitude to effectively gather and disseminate information.

3.2. Legal Environment

The legal environment in the fourth quarter remained stable with no major developments or legal reforms noted, especially that the National Assembly was dissolved in the previous quarter and the country was set to go to the polls.

One of the most notable developments in the quarter under review was the resumption of discussions on the Media Regulation Bill under the Technical Working Group on Statutory Media Regulation. At the end of the quarter, a meeting was called by the Group to review the Draft ZAMEC Bill and discuss a roadmap for the process. The following communique was issued by the Media Liaison Committee:

The Technical Working Group on Statutory Media Self-Regulation, having met in Kafue from September 27 to 29 to review the proposed ZAMEC set up:

Reviewed the proposed ZAMEC Draft Bill, the Constitution, and the Code of Ethics. Designed a road map for stakeholder engagement and sensitisation.

The meeting noted that the media fraternity in Zambia has during various symposia and conferences endorsed the process and more specifically the change in approach from the voluntary media regulation to statutory self-regulation culminating in the development of the proposed ZAMEC Bill. The meeting re-affirmed the resolution of the 2019 Insaka for the establishment of a statutory self-regulatory process.

The meeting resolved that there is need for a broader stakeholder engagement, among them the government, media institutions, academia, governance

institutions, corporate institutions, local and international NGOs, parliamentarians and the general public. In this regard, it was agreed that the process of stakeholder engagement commences immediately with the presentation of the revised Draft ZAMEC Bill, the ZAMEC constitution and the Code of Ethics to the Minister of Information and Media for the process to be expedited.

Further, the meeting resolved to call for a national media Insaka to be held in October 2021 to broaden the engagement process. The Technical Working Group on Statutory Media-Self Regulation acknowledges and welcomes the positive pronouncements made by President Hakainde Hichilema on media freedom and reforms.

It is elating that discussions have resumed with regard to the enactment of the media regulation legislation as promised in the previous regime, with steps taken towards enactment of the said law prior to the dissolution of Parliament.



Media regulation has been a need for a long time as raised by several interview participants and also evidenced by the number of censures on professional misconduct by media houses, infringements against the rights of journalists and so on.

It is worth noting that journalists in Zambia do not have any formal recognition, save the implicit provision in Article 20 (2) of the Zambian Constitution which states that “Subject to the provisions of this Constitution

no law shall make any provision that derogates from freedom of the press”. This, however, does not define the press (and journalists), the privileges and protection they enjoy as well as their corresponding responsibilities, thereby leaving them at the mercy of the many derogations promulgated by the same Article and made more explicit by various provisions in subsidiary laws such as the Penal Code, among others.

It is also worth noting that the proposed “statutory self-regulation of the media” is a misnomer. This is because there exist three broad categories of regulation i.e. Self-regulation, statutory regulation and co-regulation.

Self-regulation, by its very nomenclature, is a voluntary process without any coercion or involvement of statutory authorities. Media houses voluntarily come together to agree on standards as well as corrective action to be taken when such standards are breached by those who choose to ascribe.

Statutory regulation on the other hand, is mandatory regulation which is passed by a government and is enforceable by law. It is coercive, includes licensing and may carry punitive sanctions, including imprisonment.

Co-regulation on the other hand is a hybrid of the two preceding forms of media regulation. In co-regulation, media practitioners and stakeholders come together to agree on standards as well as other industry benchmarks. They determine the content of the regulatory instrument to be used and government only comes in to facilitate the enactment of the Bill without altering the contents of the Bill promulgated by the media practitioners. The process is also couched in a strongly protected framework which safeguards the process.

While these are broad models, minor variations do exist; it is, therefore, important for the Technical Working Group to ensure the process is in line with generally accepted standards to avoid instituting Statutory Regulation couched under a misnomer “statutory-self regulation”, as noted by some interview participants.

Notable in the quarter, also, was the Independent Broadcasting Authority’s decision to grant Prime Television a broadcasting license following an

application made by the Station. IBA granted the license and wrote to the Station as follows⁹:

I wish to inform you that the board of Independent Broadcasting Authority (IBA) at its 20th special meeting held on 17th August 2021 did consider your application pursuant to Sections 21 and 22 of the IBA (Amendment) Act No 26 of 2010.

Note that the Content Service Provider License is granted subject to the following terms and conditions.

- i. Payment of License Fee of Twenty Thousand Kwacha (K20,000) valid for the duration of the License (7 years).*
- ii. Payment of Annual Operating Fees of Twenty Thousand Kwacha (K20,000) due on 1st January of each year, starting in 2021 if the station would commence broadcasting within 2021.*
- iii. Adherence to Section 29 of the IBA (Amendment) Act No. 26 of 2010.*
- iv. Commencement of Broadcasting within a hundred and twenty (days) from the time of recipient of this offer in accordance with Section 29(1) (c) of the IBA (Amendment) Act No. 26 of 2010.*
- v. Adherence to Section 28 of the IBA (Amendment) Act No. 26 of 2010 on License renewal.*
- vi. Being carried by an authorized signal distributor*

The matter involving the eventual closure of Prime Television is comprehensively articulated and analysed in the 1st and 2nd Quarter, 2020 *State of the Media Reports*. The debacle was triggered after a breakdown in relations between the government and Prime TV which led to the former “blacklisting” the Station. This resulted in various punitive actions-later leading to the closure of the Station, though the IBA cited license renewal technicalities as the reason. The issues surrounding the Station’s relations with government as well as the apparent lack of due process in how the Station’s matters were handled cast aspersions on the attributed reasons for closure of the Station.

⁹ As carried in the News Diggers Newspaper on 18th August, 2021. See [IBA reinstates Prime TV’s license – Zambia: News Diggers!](#)

The advertisement features the Prime Television logo at the top center, with a red and green color scheme. Below the logo, a large red banner reads "We Are" in white, followed by "BACK!!" in large, bold, black, hand-drawn letters. To the left of the banner is a red vintage microphone, and to the right is a man in a white shirt and red cape shouting into a megaphone. Below the banner, the text "The Rhythm of Television Regnited" is written in green. In the bottom left corner is a portrait of Hakainde Hichilema. To the right of the portrait, the text reads: "Prime Television is **BACK** for the inauguration of the elect President **HAKAINDE HICHILEMA**". At the bottom left is a red phone icon with the number "+260 969 817866". At the bottom right is a red email icon with the address "ptvzambia@gmail.com". The background is white with a pattern of grey dots and small red and blue triangles.

prime
Television

We Are
BACK!!

The Rhythm of Television Regnited

Prime Television is **BACK** for the inauguration of the elect President **HAKAINDE HICHILEMA**

+260 969 817866

ptvzambia@gmail.com

It is, therefore, elating that a year later the Station's license has finally been reinstated. Coincidentally, however, the reinstatement was done days after the coming to power of the United Party for National Development (UPND), prompting the IBA to dismiss assertions of undue influence or pressure from the new government over the license reinstatement:

The Independent Broadcasting Authority (IBA) would like to refute assertions that the Authority was directed by the newly-elected United Party for National Development (UPND) to issue a broadcasting licence to Prime Television.

The IBA wishes to inform the public that the Board acted independently when it granted Prime TV a broadcasting licence and at no point did the Authority receive any instructions to open the Station.

The public may also wish to know that Prime TV's previous licence became void following its cancellation by the Board of the Independent Broadcasting Authority on 9th April, 2020 pursuant to Section 29 (1) (j) (k) of the IBA (Amendment) Act No. 26 of 2010. The decision of the Board was upheld by the Minister of Information and Broadcasting Services in accordance with section 31 of the IBA (Amendment) Act No. 26 of 2010.

However, Prime TV applied for a new licence following the advertisement in the press inviting applications for radio and television licences.

Members of the public may wish to know that the licensing process was recently concluded and Prime Television was among the five new stations that met the requirements and were all subsequently awarded Content Service Provider licences. Therefore, there is nothing irregular about the Authority awarding Prime Television a licence in August, 2021.

In this regard, the Authority would like to assure the nation that the IBA has a rigorous process of awarding and suspending or cancelling broadcasting licences and this is done autonomously.

The IBA remains hopeful that Prime TV will conduct itself professionally and avoid any pitfalls that may put its licence in jeopardy.

Notable in the quarter also is the Lusaka High Court's dismissal of a matter in which the UPND sued ZNBC over failure to air the party's campaign adverts for the 2016 elections during prime-time slots for want of time. Prior to this development, on 11th June, the United Party for National Development (UPND) was granted leave to apply for judicial review by the Ndola High Court in respect of the Electoral Commission of Zambia not allocating time on the public broadcaster to political parties and independent candidates to canvass electorate support. The Court stated that the prescription of airtime on public media to all political parties and independent candidates was highly necessary to enable all players' equal campaign opportunities. The Electoral Commission of Zambia later took action and allocated airtime for political parties to canvass in the following notice:

Take note that the Electoral Commission of Zambia has in line with the provisions of paragraph 8 (2) of the Electoral Code of Conduct prescribed that

all political parties and candidates be entitled to thirty (30) seconds of airtime on the national broadcaster, Zambia National Broadcasting Corporation (ZNBC) for campaign advertisements per day up to 11th August, 2021.

Take further notice that the afore stated 30 seconds is the minimum airtime available and that political parties or candidates shall be required to pay for the said advertisements as determined by ZNBC and further that all advertisements should conform to the Electoral Code of Conduct Regulations and ZNBC advertisement guidelines.

You are further reminded that ZNBC has availed political parties and candidates access to the following list of programmes on both television and radio as per attachment.¹⁰

The argument behind public media serving a wide section of society is based on their very establishment as a public good. This mainly emanates from the fact that public media are funded from public funds collected through general governmental revenues or special income through television levies and grants for example. Secondly, public broadcasting by its nomenclature demands that there should be a wide reach and variety in programming with inclusivity.

It is, therefore, critical that all public media outlets endeavour to carry fair content that is representative of the various interests in society as opposed to a particular section only. It is for this reason that media associations have been advocating for the true transformation from a “state broadcaster” into “public broadcaster”¹¹ through harmonisation of the ZNBC and IBA Acts to allow for regulation by the IBA, enhancement of the board appointment processes (such as reinstatement of an independent appointments committee) to devolve or reduce the real or perceived influence of the Information Minister who has power to appoint or dissolve boards as well as

¹⁰ Available on the Electoral Commission of Zambia website at <https://www.elections.org.zm/2021/07/02/znbc-airtime-allocation-notice-to-all-political-parties-and-candidates-participating-in-the-forthcoming-general-election/>

¹¹ See a survey titled “Public broadcasting in Africa: Zambia” conducted by the Africa Monitoring and Advocacy Project and Open Society Institute Media Program.

review of management and funding models to enhance editorial independence and institutional autonomy.

This would also be in line with the 2001 African Charter on Broadcasting¹², which creates an obligation for public broadcasters with editorial independence and freedom from interference. Interestingly, it is from the Charter that the initial three-tier broadcasting model (public, commercial and community) is adopted.

3.2.1. Access to Information

In the quarter under review, there was no significant progress on enactment of a law on Access to Information.

The law on Access to Information is critical for the enhancement of transparency, accountability and the role of the media, all of which are essential in a liberal democracy. Further, such a law could help to alleviate vices such as corruption which thrive in an environment of secrecy.

During the quarter, newly appointed Minister of Information and Media, Chushi Kasanda, announced that the Ministry had been tasked by President Hakainde Hichilema to prioritise the enactment of the Access to Information legislation, promising to expedite the process¹³.

It is commendable that the new government has prioritised the Access to Information Bill. It is hoped, though, that a concrete framework will be put in place to ensure the process of enacting the law actually commences, to avoid adding to the long list of promises that have characterised subsequent regimes from 2001 when the law was first mooted. There is need for immediate publication of the draft Access to Information Bill as approved by Cabinet in the previous regime. This will allow stakeholders to input into the Bill prior to its presentation to Parliament.

¹² Available at https://en.unesco.org/sites/default/files/african_charter.pdf

¹³ In a statement made available by the Ministry's Press and Public Relations Unit, Hon. Kasanda stated: "I will be getting an update from the Permanent Secretary and the team so that we make resolutions on the next steps. We will not be looking at why previous governments did not enact the legislation. The President has directed that Access to Information legislation must be enacted. We have to move in that direction and we will move with speed".

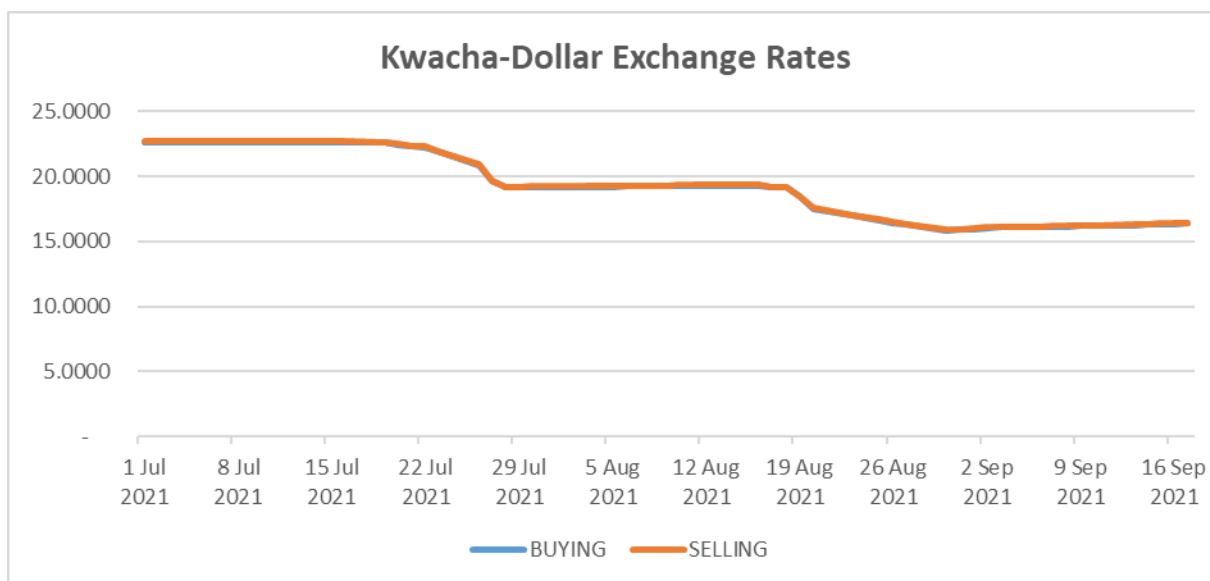
Overall, the legal environment in the quarter under review was stable. There were no adverse actions noted as well as application of various laws inimical against media houses. The reinstatement of Prime TV's license in the quarter marked the end of a year of continued advocacy on the arbitrary action that led to the station's closure. Resumption of discussions on media regulation legislation was equally positive. Similarly, promises to prioritise the ATI Bill by the newly appointed Minister of Information and Media also resuscitates hope for enactment of the law, which has stalled for two decades. Finally, on a negative note, challenges regarding unfair allocation of airtime on the National Broadcaster continued during the quarter, particular in a build up to the general elections.

3.3 Economic Environment

The economic environment in the quarter under review posted significant positive gains in certain economic variables, a break from the unfavourable and gloomy picture observed in the previous *State of the Media* reports from second quarter, 2020 to the second quarter, 2021.

For example, the Kwacha posted a significant gain against major convertible currencies like the US Dollar, selling at an average of K22.6 and K16.4 for one dollar on 1st July and 17th September respectively¹⁴, representing a twenty-seven per cent appreciation as indicated in the chart below:

¹⁴ As extracted from the Bank of Zambia historical series of daily exchange rates. See <https://www.boz.zm/historical-series-of-daily-zmw-usd-exchange-rates-zmw.htm>



Similarly, a reduction (though insignificant) was recorded in the annual inflation rate, from 24.6 in July to 24.4 in August as can be seen in the chart below:



Above: Annual inflation rate, August 2020-August 2021 (%)¹⁵

Additionally, the Bank of Zambia projected a modest economic growth of 1.6% with expectation of a strengthening of the economy in the medium term¹⁶. This projection was on account of expected positive performance in

¹⁵ According to the Zambia Statistics Agency monthly bulletins (July/August), 2021. Available at <https://www.zamstats.gov.zm/index.php/publications/category/51-2021>

¹⁶ According to the BoZ monetary policy statement issued on 1st September, 2021. See https://www.boz.zm/mpc_statement_september_2021.pdf

the information and communication, electricity, public administration and education sectors.

There was also an increase in lending to the private sector mainly supported by increased disbursements of the Central Bank's Targeted Medium Term Refinancing Facility which benefited from a revision of the terms and conditions to increase flexibility. However, fears of new variants of the COVID-19 pandemic emerging continued to pose a risk to the growth outlook for the quarter and beyond.

Likewise, the August Stanbic Purchasing Manager's Index (PMI)¹⁷ projected a fairly positive picture, citing a significantly slower pace of increase in input costs and selling prices (the lowest since the first quarter). Also noted was a marginal rise in new business growth, amid signs of improved customer demand. This was all against the backdrop of a perceived improvement in customer demand as well as a pause in activity during the electoral period. Generally, The Stanbic PMI reported broad stability in business midway through the quarter, a picture that positively affected media houses both directly and indirectly.

The impact of the COVID-19 pandemic remained rife during the quarter under review, following the continuation of partial enforcement of preventive measures such as social distancing, virtual and rotational work systems, among others.

However, during the quarter, some positive returns were noted from some of the government measures put in place to alleviate the economic effects of COVID-19, such as the Targeted Medium Term Refinancing Facility (TMTRF), easing of the monetary policy and provision of liquidity to banks on flexible terms¹⁸.

¹⁷ The Stanbic Bank Zambia PMI is compiled from responses to questionnaires sent to purchasing managers in a panel of around 400 private sector companies. The panel is stratified by detailed sector and company workforce size, based on contributions to GDP. The sectors covered by the survey include agriculture, mining, manufacturing, construction, wholesale, retail and services. See https://www.stanbicbank.co.zm/static_file/Zambia/ZM_PMI_APR_2021.pdf

¹⁸ As reported by Bank of Zambia Governor, Christopher Mvunga, at the launch of the PWC banking and non-banking industry survey report.

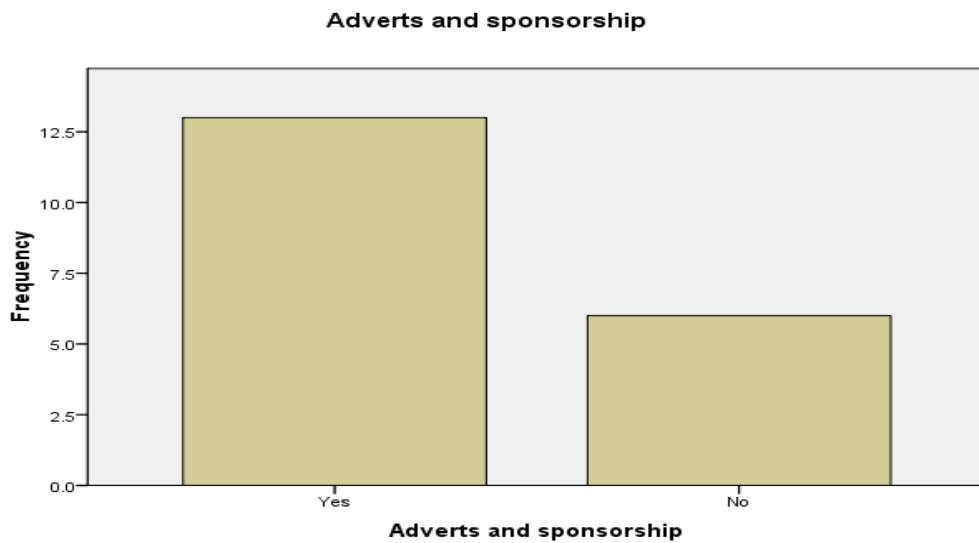
These developments helped to reduce the financial stress on media houses that were still reeling from the effects of the COVID-19 pandemic in the previous quarters, owing to a slump in production, significant depreciation of the Kwacha as well as reduction in staff. This was because COVID-19 preventive measures demanded social distancing, among other measures that required work rotation-thereby introducing new costs such as data bundles and equipment purchases/upgrades to cope with the ‘new normal’.

In the quarter under review, however, media houses were able to benefit from the noted increases in production and customer demand, as this translated into advertising and procurement of airtime by commercial entities. The appreciation of the Kwacha translated into a slight reduction in the cost of operating a media house, especially that the majority of the media inputs are imported. These include news print and broadcast equipment.

The economic environment was also significantly affected by the general elections held during the quarter amidst COVID restrictions with virtual campaigning encouraged. As such, political parties purchased airtime for advertisements as well as programme sponsorship as indicated by most respondents¹⁹. However, the media over-reliance on advertising and programme sponsorship remains a major concern as observed by some of the interview respondents. This was even more salient considering that the media were expected to offer checks and balances to the very entities they received significant sponsorship from. Sadly though, and as Banda (2004) notes²⁰, the business potential or viability of the media in Zambia is linked to advertising.

¹⁹ While no official statistics of total campaign media spending are available, a Transparency International Zambia Billboard Costing Report for July indicates that the Patriotic Front spent an estimated K2.9 million, Socialist Party K864, 000, the United Party for National Development K648, 000 and the Democratic Party K 108, 000 on presidential candidate billboards alone. The organisation collected primary data on the number and sizes of presidential candidate billboards in 12 towns across the country. Information on the cost of billboard placement was then collected from advertising agencies for estimation of expenditure. The report is available at <https://tizambia.org.zm/wp-content/uploads/2021/07/Billboard-Costing-Report.pdf>

²⁰ Banda, F. (2004). Newspapers and magazines in Zambia-a question of sustainability. Lusaka: MISA.



Above: survey response on whether respondent's media house received political ads

During the quarter, there were no instances of electricity loadshedding (other than scheduled maintenance shutdowns) as observed in previous quarters. Media houses, thus, had stable supply of electricity and did not have to use alternative sources such as solar and generators which are usually more costly alternatives.

Overall, the economic environment in the quarter under review posted a more positive outlook compared to the second quarter. The quarter witnessed a notable improvement in economic activity, appreciation of the currency (which translated into lower cost of inputs), stable electricity supply and increased political advertising and sponsorship. These developments eased the burden born by the media in the previous quarters which experienced a gloomy economic outlook. Notwithstanding, however, the COVID-19 pandemic still remained rife for the most part of the quarter, thereby constraining media operations to a certain extent. Further, while the developments in the quarter were mainly positive, a high level of uncertainty remains with regard to sustainability of this economic trajectory, with certain variables resuming an upward trend at the close of the quarter, albeit marginal.

3.3. Technological environment

The technological environment experienced a major set-back in the quarter under review which consequently darkened the outlook, as noted by most of the respondents.

On the poll day, 12th August, Zambia experienced a social media blockade or shutdown, characterised by either intermittent access or complete blackout in most areas of the country on all Internet Service Provider Networks²¹ while selected websites remained accessible. There was no official government communication on the social media shutdown other than threats issued by the Ministry of Information Permanent Secretary two days before the poll as reported in most media outlets. For example, the Lusaka Times²², reported:

The government has admitted that it may shut down the internet if Zambians fail to correctly use cyberspace during this year's election. Lusaka Times last week exclusively revealed that the government has resolved to shut down the internet from Thursday, the voting day until Sunday, a day after vote-counting is are expected to be concluded

Government through Information and Broadcasting Services Permanent Secretary Amos Malupenga immediately issued a statement dismissing the report and described it as malicious.

But Mr. Malupenga has u-turned and admitted that an internet shutdown is an option. Mr Malupenga charged that government will not tolerate abuse of the cyberspace by Zambians. He added that if there is any mischief in the use of the internet and those found wanting might end up inconveniencing not only themselves but the rest of the country when government invokes the necessary laws.

²¹ The researcher undertook a test of five sites (Facebook, Whatsapp, Twitter, Telegram and Signal) on three different networks (Liquid Telecom, Airtel Zambia, MTN Zambia) using the Open Observatory of Network Interference (OONI) Probe on 12th and 13th August, which revealed that 4 out of the five tested sites were blocked.

²² 10th August, 2021. See <https://www.lusakatimes.com/2021/08/10/government-may-shut-down-internet-during-voting-period-malupenga/>

Mr Malupenga said Government will not hesitate to invoke the relevant legal provisions if some people decide to abuse the internet to peddle falsehoods that could destabilise the country during this time of elections. He added that Government has a duty to ensure peace and stability are maintained and will not allow any breakdown of law and order.

“Government, therefore, expects citizens to use the internet responsibly. But if some people choose to abuse the internet to mislead and misinform, Government will not hesitate to invoke relevant legal provisions to forestall any breakdown of law and order as the country passes through the election period,” Mr. Malupenga said.

Mr. Malupenga was speaking when he handed over a video camera and a mobile phone to a Zambia News and Information Services (ZANIS) reporter based in Ikeleng’i District in North-Western Province, Victor Mwila, who was attacked by alleged UPND cadres in his course of duty in the area.

The partial internet shutdown which led to social media access limitation resulted into grave consequences with regard to the freedom of expression online and general access to information.

Firstly, the shutdown caused anxiety and speculation as several citizens relied on social media sites to access information about the election, with over ten million mobile broadband internet users in Zambia - the majority of whom are using social media sites²³. It is for this reason that a lot of election campaigning was conducted on social media sites especially in the wake of the COVID-19 pandemic and restrictions on public gatherings. As such, the social media blockade inhibited access to information for many Zambians that had been relying on social media for news and other updates which

²³ The Digital 2021 (Zambia) report reports 5.48M internet users, 2.6M social media users, with the majority using mobile broadband internet, See <https://datareportal.com/reports/digital-2021-zambia>. See also Zambia Information and Communication Technology Authority (ZICTA) indicators at <http://onlinesystems.zicta.zm:8585/statsfinal/ICT%20Indicators.html>.

could also be vital for decision making. Citizens were unable to follow the voting process as well as the immediate post-poll formalities. This bred speculation, perpetuating misinformation and disinformation, particularly because vote counting was underway amid high levels of anxiety and tension.



Secondly, the blockade compromised cybersecurity and individual safety against online fraud, among other vices. This is because citizens resorted to the use of Virtual Private Networks (VPNs)²⁴ in a bid to circumvent the partial internet shutdown which resulted into social media access limitation. However, because the concept of VPNs was new as an evasive tactic, many citizens exposed vital details as they downloaded any available VPNs, including intrusive VPNs which utilise phishing and other data harvesting tactics. As such, some citizens conducted bank transactions and other financial transactions via VPNs, making them vulnerable to attacks and online fraud.

Thirdly, the blockade caused disruption to business as several SMEs rely on social media to reach out to their clients and effect sales. The blockade, which lasted two days, therefore, meant SMEs could not easily transact or

²⁴ A virtual private network (VPN) gives you online privacy and anonymity by creating a private network from a public internet connection. VPNs mask your internet protocol (IP) address so your online actions are virtually untraceable. See <https://us.norton.com/internetsecurity-privacy-what-is-a-vpn.html>

reach out to their customers and clients alike. This may have led to a significant loss of revenue²⁵.

Finally, the blockade violates certain basic standards where freedoms of expression, speech and assembly are concerned. This is also reflected in the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights (ICCPR). These conventions embody the principles of proportionality and protection of legitimate interests in derogating from the fundamental freedoms. As such, Freedom of expression as enshrined in the Zambian Constitution in Article 20 states as follows:

Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to impart and communicate ideas and information without interference, whether the communication be to the public generally or to any person or class of persons, and freedom from interference with his correspondence

Notwithstanding, there exist certain situations in which derogations from the freedom of expression are granted. These include protection of public morals, health, security and order. It is from these derogations that other laws derive their impetus to restrict freedom of expression (even online in this case), such as the emergency powers which allow for severe actions as well as the Penal Code. More directly, though, Section 14 of the Cyber Security and Cyber Crimes Act (No. 2 of 2021) gives the following powers and privileges relating to emergency cyber security measures and requirements:

14. (1) The Minister may, in consultation with other relevant agencies, issue regulations authorising or directing a person or organisation specified in the regulations to take such measures or comply with such requirements, where the Minister considers it necessary for the purposes of preventing, detecting or countering a threat to—
(a) the essential services;
(b) national security and defence;
(c) foreign relations;

²⁵ There are currently no available statistics on the extent of online commerce as well as the losses incurred as a result of the shutdown in question.

- (d) economy;*
 - (e) public health and public safety;*
 - (f) public order of the Republic; or*
 - (g) an electronic communication system, computer system and information system.*
- (2) A person who fails to take any measure or comply with any requirement directed by the Minister under subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding three months or to both.*

Clearly, based on this provision alone and the legal regime establishing the Zambia Information Communications Technology Authority (ZICTA) as well as licensing regulations for service providers, government authorities have power to restrict internet coverage for various reasons established by the law, though vague and arbitrary in certain cases. However, because of the latitude granted by these legal provisions, it is important that such actions are justifiable in a democratic society and exercised in a transparent manner that allows for accountability. In the case of the August blockade, there was no official communication from the government as to the reason for the partial internet shutdown which led to social media being inaccessible nor communication as to which legal provisions were being enforced and the extent or parameters of the shutdown.

Such transparent action would have shown the process taken to arrive at the decision for the partial internet shut down - a due process of comprehensive consideration of all interests. The government's declaration lacked, and therefore, the whole process was shrouded in mystery and citizens could only speculate as to the reason for the shutdown. Such a situation is unfortunate as it leaves room for abuse and arbitrary application of legal provisions to stifle dissent and divergent views, especially that social media have made the realisation of a public sphere possible in countries like Zambia.

It is no wonder then, that the Lusaka High Court stayed ZICTA's order to service providers to block access to social media sites and granted leave to Chapter One Foundation (a local advocacy organisation) to commence

judicial review²⁶ proceedings against the Authority. Following the stay order, social media access was restored²⁷. Regardless of this victory, a significantly negative precedent was set. This also tainted the country's image with regard to respect of fundamental freedoms of expression and assembly, there having previously been claims of partial internet shut-downs and deployment of intrusive surveillance/monitoring software against citizens, allegations which have never been denied or disproved by government authorities²⁸.

During the quarter, utilisation of internet technology was also noted particularly because of the surge in COVID-19 cases, leading to the invocation of restrictive measures against public gatherings. As such, media practitioners had to use digital virtual applications to access news sources and conduct interviews. Other stakeholders, such as political parties had to conduct virtual rallies and meetings²⁹. Most survey respondents noted that use of virtual technology helped to ease the challenges presented by COVID restrictions.

With regard to media development and performance during the quarter, the following was the breakdown of media outlets:

BROADCAST INSTITUTIONS³⁰

COMMUNITY RADIO	68
COMMERCIAL RADIO	73
PUBLIC SERVICE BROADCASTING-RADIO	4
LANDING RIGHTS-RADIO	2
TV (DTT COMMERCIAL)	28
TV (DTT COMMUNITY)	11
PUBLIC SERVICE BROADCASTER	5

²⁶ According to the Oxford Dictionary of Law (2003), judicial review is the simplified procedure by which prerogative and other remedies have been attainable in the High Court against inferior courts, tribunals, and administrative authorities. On application for the Judicial Review of a decision, the court may grant a quashing order, mandatory order, prohibition order, declaration, or injunction and may also award damages.

²⁷ As verified by the researcher through a test conducted on the Open Observatory of Network Interference (OONI) on 14th August, 2021.

²⁸ See <https://citizenlab.ca/2020/12/running-in-circles-uncovering-the-clients-of-cyberespionage-firm-circles/>

²⁹ For instance the Patriotic Front and Socialist Parties held several virtual rallies. See a ZNBC report on PF virtual rallies held by the Patriotic Front at <https://www.youtube.com/watch?reload=9&v=LyefajvnYBU>

³⁰ According to a list of broadcast media houses supplied by the Independent Broadcasting Authority (IBA)

SUBSCRIPTION MANAGEMENT SERVICE	6
LANDING RIGHTS BROADCASTING SERVICE-TV	1
TOTAL	198

MAJOR DAILY NEWSPAPERS³¹

OUTLET	REACH	OTHER EDITIONS	E-PAPER	PRICE
Zambia Daily Mail	Nationwide	Sunday Mail	YES	K10
Times of Zambia	Nationwide	Sunday Times	YES	K10
Daily Nation	Nationwide	-	NO	K10
News Diggers	Selected towns	-	YES	K10
The Mast Newspaper	Selected towns	-	NO	K10

TOP SOCIAL MEDIA NEWS OUTLETS-FACEBOOK³²

OUTLET	FANS
Mwebantu Media	1, 497, 797
Zambia Reports	1, 304, 894
Zambian Watchdog	922, 035
Smart Eagles	871, 680

Overall, the technological environment in the quarter under review was stable, save the abrupt partial internet shutdown experienced during the polls. The blockade casts aspersions on the country's record with regard to respect for freedom of expression and access to information. The quarter witnessed application of various virtual technology applications by media practitioners and other stakeholder to mitigate the restrictions necessitated by the COVID pandemic. This included virtual interviews, virtual rallies and meetings. The quarter also witnessed an increase in broadcast institutions from 196 to 198.

³¹ According to an observation of newsstands in selected towns in the quarter under review

³² As observed on 22nd September, 2021.

4.0. Conclusion

Overall, the review in this report has shown that there has not been any significant improvement in the key thematic areas in the third quarter as compared to the second quarter, which had a continuation of some of the developments. However, the effect of the occurrences under some key thematic areas cannot be overemphasised regardless.

The socio-political environment was mostly characterised by electoral activities which relied on media performing their functions. Major issues included the polarised media landscape characterised by domination of media coverage by the ruling party, especially on public media platforms. The socio-political environment also witnessed the continuation of a positive trend with only one recorded violent attack against a media practitioner. The COVID pandemic continued to affect the operations of the media by limiting their ability to interact with sources.

The legal environment received a renewed shot of hope following promises made by the new UPND administration to prioritise enactment of the Access to Information Bill after nearly twenty years of advocacy and demand by various stakeholders. This promise includes allowing the media to develop and implement a media regulation mechanism that will promote media freedom and freedom of expression to continue to be enjoyed by the media and by the public through the media.

The economic environment continued on a positive path with marginal improvement in certain variables that had a trickle-down effect on media outlets. The marginal improvements include appreciation of the Kwacha against some major convertible by at least 25% and insignificant reduction of the year-on-year inflation mid-way through the quarter. The absence of certain factors such as electricity loadshedding as well as the increased advertising on account of the elections helped to boost the media's revenue generation. However, media were still reeling from the economic effects of the COVID pandemic.

Finally, the technological environment witnessed a significant infringement on the freedom of expression (online) when government implemented a partial internet shutdown from 12th-14th August. The shut-down had several consequences such as the disruption of business and commercial operations that rely on the internet, security compromise as citizens resorted to the use of VPNs- especially free versions and increased spread of false news/speculation. On a positive note, the technological environment witnessed extensive use of digital tools for election campaigning and media communication as well as a slight increase in the number of media outlets.

Overall, the quarter did not witness any extreme, significant developments, save the technological environment. This shows a continuation of similar trends from the second quarter.

5.0. Recommendations

i. Safeguarding the sustainability of media enterprises

Given the negative economic trends observed throughout the year and the fluctuations during the quarter under review, it is critical that financial support initiatives are created for the media sector. Deliberate moves must be taken through the Ministry of Information and Broadcasting to develop a package of incentives such as tax and non-tax considerations in the 2022 budget. These could include waivers on broadcast and ICT equipment for media purposes and tax exemptions to help the sector recover.

ii. Public media reform

There is need to reform the state media houses into public media that truly represent the wider society, including divergent views, even those deemed to be critical of the State. There should be reform of the board appointment processes and governance model to guarantee autonomy and independence, there must be review of the funding mechanism to ensure sustainability.

iii. Need for professionalism and adherence to media ethics

There is need for the media (both public and private) to adhere to professional codes of journalism and basic tenets such as objectivity, balance, fairness and the public interest. These tenets are critical if the media are to serve the public and contribute to the attainment of functional democracy.

iv. Enactment of media regulation and Access to Information Bills

There is need for immediate enactment of the Access to Information Bill which has stalled for a long time. Similarly, the media regulation Bill must be reconsidered to provide full guarantee of self or co-regulation to improve media ethics adherence.

v. Review of laws inimical to freedom of expression

There is need for review of laws that continue to hinder the enjoyment of freedom of expression and other civil liberties as guaranteed by the Constitution.

6.0. Appendices

6.1. Interview guides

MISA ZAMBIA
STATE OF THE MEDIA REPORT
QUARTER 2 (Apr-June) 2021

Dear respondent, MISA Zambia conducts a quarterly review of the state of the media in Zambia, detailing trends in the political, legal, economic and technological operating environment. In this regard, your assistance and input by response to the questions below will be of utmost help in compilation of reports for the third quarter of 2021. Ensure to give as much information as clearly as possible. The information collected is solely for the purpose of the State of the Media reports.

Name (To be withheld on demand)

Date...../...../2021

1. How would you describe the level of freedom of expression and of media in the second quarter of 2021?

2. How would you describe the following aspects with regard to the media:
- a. Political environment

- b. Economic environment

- c. Legal environment

3. What are some of the challenges and opportunities you have observed with regard to media freedom in the quarter under review?

4. What are your general comments on the state of the media in the quarter under review?

5. Based on your observations, what are your recommendations for media development?

6.2. Questionnaire

STATE OF THE MEDIA REPORT

QUARTER 3 (July-Sept) 2021

Dear respondent, MISA Zambia conducts a quarterly review of the state of the media in Zambia, detailing trends in the political, legal, economic and technological operating environment. In this regard, your assistance and input by response to the questions below will be of utmost help in compilation of reports for the third quarter of 2021 (July-September). Ensure to give as much information as clearly as possible. The information collected is solely for the purpose of the State of the Media reports.

1. What is your position/designation?

☐ Reporter ☐ Technician ☐ Presenter ☐ Other.....

2. How would you describe your media house (tick one appropriate box)

	COMMERCIAL	COMMUNITY	RELIGIOUS	STATE
PRINT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RADIO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONLINE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Were you as a media practitioner affected by the following in the quarter?

	YES	NO
Electoral violence	<input type="checkbox"/>	<input type="checkbox"/>
State harassment (Police, civic/govt leaders e.g. DCs)	<input type="checkbox"/>	<input type="checkbox"/>

4. Did your media house receive electoral adverts and sponsorship from political parties during the 2021 general election campaigns?

YES ☐ NO ☐

5. How would you describe your media house's preparedness to cover the 2021 general elections? (circle appropriate response)

VERY GOOD 😊 **GOOD** 😊 **AVERAGE** 😐 **POOR** 😞 **VERY POOR** 😞

6. List any two challenges you faced in covering the 2021 general elections?

i.....

ii.....

7. How did the COVID-19 pandemic and restrictions affect your work?

.....

8. Generally how would you describe the third quarter with regard to:

Political environment

Legal Environment

Economic environment

Technological environment

9. Overall, how would you rate the media landscape in the third quarter of 2021 (July-September)? Only circle one

FREE 😄😄

PARTLY FREE 😊

NEUTRAL 😐

MOSTLY UNFREE ☹️

REPRESSED ☹️☹️

THANK YOU FOR YOUR RESPONSES

6.3. Alerts/Selected news stories (News Diggers)

13th July

COUNCIL of Churches in Zambia (CCZ) general secretary Fr Emmanuel Chikoya says he has noted with concern continued poor coverage of opposition candidates on the national broadcaster ZNBC, ahead of next month's polls. And Fr Chikoya says there is still room for political dialogue to happen among stakeholders before the August elections. In an interview, Fr Chikoya said it was unfair that opposition presidential candidates were still not televised on ZNBC main news.

<https://diggers.news/local/2021/07/13/poor-coverage-of-opposition-parties-on-znbc-worries-council-of-churches/>

21st July

TRANSPARENCY International Zambia (TIZ) has revealed that in June, PF spent K6.05 million on campaign billboards across the country, followed by Socialist party at K2.26 million and UPND at K1.31 million. In a statement, with regards to TIZ's 2021 Elections Project, TIZ executive director Maurice Nyambe noted that for the month of June, the expenditure on presidential billboards in Lusaka increased significantly with PF spending at least K4.488 million, UPND K723,000, and the Socialist Party K1.195 million.

<https://diggers.news/local/2021/07/21/pf-tops-campaign-spending-with-k6-million-splashed-on-billboards-reveals-tiz/>

28th July

The Patriotic Front has threatened to sue several radio and television stations, among them Flava, Mano Radio, Icengelo and KNC in Kabwe, if they fail to block out other advertisers during the planned ruling party's election eve rally PF secretary general Davies Mwila has threatened to take legal action against Flava FM, Diamond TV and several others for "failing to adhere to an advertising agreement" signed with the party in March

<https://diggers.news/local/2021/07/28/pf-threatens-to-sue-media-houses-if-they-fail-to-block-other-advertisers-during-election-eve-rally/>

28th July

GOVERNMENT has condemned the reported violence allegedly perpetrated by UPND cadres against a ZANIS District Information Officer for Ikelenge district in North-Western Province. In a statement, Tuesday, Ministry of Information and Broadcasting Services Permanent Secretary Amos Malupenga said Journalists needed to conduct their work without fear or intimidation and further called on the police to bring the culprits to book.

<https://diggers.news/local/2021/07/28/govt-condemns-upnd-cadres-violence-against-journalist/>

13th August

ZAMBIAN voters were today taken to a rude shock after noticing that the government shut down WhatsApp, Facebook and Twitter, the most commonly used instant messaging platforms, as they queued up to cast their votes in the crucial general election.

WhatsApp was the first to go down slightly after noon and many mobile subscribers took to Facebook to share their displeasure and to offer peer solutions to circumvent the government measure; advising netizens to switch to Virtual Private Networks (VPNs).

At around 17:00 hours Facebook also got restricted, followed by Twitter, leaving Zambians with no effective social media platform with which to share stories and developments during the counting of votes.

There are growing fears that all other social media platforms, such as Telegram and signal would be shut down as polls come to a close at 18:00 hours to pave way for the vote count.

On August 9, Information and Broadcasting Services Permanent Secretary Amos Malupenga warned that the government would not hesitate to invoke the relevant legal provisions if some people decided to abuse the internet to peddle falsehoods about Thursday's elections.

"Government, therefore, expects citizens to use the internet responsibly. But if some people choose to abuse the internet to mislead and misinform, government will not hesitate to invoke relevant legal provisions to forestall any breakdown of law and order as the country passes through the election period," said Malupenga.

Apart from some pockets of violence in selected towns, the voting process was peaceful with an unprecedented voter turn out.

<https://diggers.news/local/2021/08/12/zambia-election-update-govt-shuts-down-social-media-ahead-of-vote-count/>

13th August

THE Lusaka High Court has stayed ZICTA's decision to order all mobile service providers to cease providing internet services as well as blocking access to WhatsApp and Facebook across the country.

The court has stayed the decision pending determination of the matter in which Chapter One Foundation Limited is challenging the said decision by the Zambia Information Communication Technology Authority (ZICTA).

Chapter One Foundation Limited has now been granted leave to commence judicial review proceedings in the matter.

This is according to an ex-parte order for leave to apply for judicial review signed by the Lusaka High Court, Friday.

THE Law Association of Zambia (LAZ) has called on the Zambia Information and Communications Technology Authority (ZICTA) to ensure that citizens' rights are protected by restoring the internet and access to social media platforms.

In a statement, Friday, LAZ president Abyudi Shonga said LAZ was gravely concerned at the shutdown of internet and social media platforms in the country.

He added that the association abhors any manner of assault on constitutionally protected rights of citizens.

"LAZ is also gravely concerned at the shutdown of internet and social media platforms in the country. The shutdown occurred during the period of voting on 12th August, 2021 and persists today. It is the view of LAZ that social media platforms, such as WhatsApp, are widely utilized by many Zambians as a medium of sharing and exchanging information. Our constitution, in Article 20(1) guarantees the right to information under the Bill of Rights," Shonga said.

"LAZ abhors any manner of assault on constitutionally protected rights of the citizens of this country. LAZ calls upon the Zambia Information and Communications Technology Authority (ZICTA) to urgently ensure that the rights of citizens are protected by the restoration of internet and access to social media platforms."

<https://diggers.news/local/2021/08/13/laz-calls-on-zicta-to-urgently-lift-social-media-restrictions/>

13th August

THE Lusaka High Court has dismissed a matter in which UPND sued ZNBC over failure to air the party's campaign adverts for the 2016 elections during prime-time slots.

The court threw out the matter for want of time.

In this matter, UPND secretary general Batuke Imenda dragged the national broadcaster to court over the decision by the director general of ZNBC not to air the party's campaign advertisements during prime-time slots.

But according to a ruling on the ex-parte application for leave to apply for judicial review, Tuesday, Judge Susan Wanjelani noted that the application was made with respect to decisions that were made more than five years ago in 2016.

She noted that while the court had the jurisdiction to extend the time, there must be a good reason for doing so.

Judge Wanjelani however, added that the applicant had not advanced any reason for the delay in applying for leave to commence judicial review.

<https://diggers.news/courts/2021/08/13/high-court-throws-out-upnds-case-against-znbc/>

18th August

INDEPENDENT Broadcasting Authority (IBA) director general Josephine Mapoma has reinstated Prime Television's broadcasting license over a year since it was cancelled in "public interest".

In a letter addressed to Prime TV proprietor Gerald Shawa, Wednesday, Mapoma said the authority held a special meeting and considered Prime Television's application to have its license given back pursuant to Sections 21 and 22 of the IBA (Amendment) Act No 26 of 2010.

<https://diggers.news/local/2021/08/18/iba-reinstates-prime-tvs-license/>

18th August

THE Independent Broadcasting Authority (IBA) has commended broadcasting stations for their coverage of the just ended general elections.

In a statement, Monday, IBA director general Josephine Mapoma stated that a number of stations covered the just ended elections in an ethical and professional manner.

"The Independent Broadcasting Authority (IBA) has commended broadcasting stations in the country for their coverage of the just ended general elections, particularly from polling day, up to the time of the declaration of the winner. The Authority observed that generally, a number of broadcasting stations covered the just ended elections in an ethical and professional manner," she said.

Mapoma noted that broadcasting stations aided and allowed for a peaceful co-existence, through the manner in which they covered elections.

"Further, the IBA is gratified to note that broadcasting stations aided and allowed for a peaceful co-existence, through the manner in which they covered elections. This largely contributed to holding of peaceful elections, as there was no sensational reporting. Prior to the elections, the Authority conducted countrywide capacity building programmes for broadcasting stations in election reporting, which acted as a catalyst to professional conduct.

<https://diggers.news/local/2021/08/18/broadcasting-stations-covered-polls-in-a-professional-manner-iba/>

copyright 2021
published by MISA Zambia
Plot No. 3814 Martin Mwamba Rd-Olympia Park
P.O Box 32295
Lusaka, Zambia
Tel: 0211 294 2285/6

www.zambia.misa.org

