

REPORT OF THE COMMITTEE ON TOURISM, INFORMATION AND BROADCASTING SERVICES FOR THE FIRST SESSION OF THE ELEVENTH NATIONAL ASSEMBLY, APPOINTED ON 21ST OCTOBER, 2011

Consisting of:

Mr K J Pande, MP, (Chairperson); Mr R C Taundi, MP; Mrs M C Mazoka, MP; Mr J Chishiba, MP; Mr S Chungu, MP; Mr S Kamyongo, MP; and Mr E Belemu, MP.

Following the appointment of Mr M Kapeya, MP as Deputy Minister of Information, Broadcasting and Labour, Mr M Mumba, MP was appointed to your Committee.

The Honourable Mr Speaker
National Assembly of Zambia
Parliament Buildings
LUSAKA

Sir

Your Committee has the honour to present its Report for the First Session of the Eleventh National Assembly.

Functions of the Committee

2.0 The duties of your Committee are to:

- (i) study, report and make appropriate recommendations to the Government through the House on the mandate, management and operations of the Ministry of Information, Broadcasting and Labour, departments and/or agencies under its portfolio;
- (ii) carry out detailed scrutiny of certain activities being undertaken by the Ministry of Information, Broadcasting and Labour, departments and/or agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- (iii) make, if considered necessary, recommendations to the Government on the need to review certain policies and/or certain existing legislation relating to the Ministry of Information, Broadcasting and Labour;
- (iv) examine annual reports of the Ministry of Information, Broadcasting and Labour, departments and/agencies under its portfolio in the context of the autonomy and efficiency of Government Ministries and departments and determine whether the affairs of the said bodies are being managed according to relevant Acts of Parliament, established regulations, rules and general orders; and
- (v) consider any Bills that may be referred to it by the House.

Meetings of the Committee

- 3.0 Your Committee held twelve meetings during the period under review. Your Committee's report is divided into three parts. Part One considers the topical issue on which your Committee undertook a detailed study; Part Two is on the Local Tour; and Part Three considers the outstanding issues from the Action-Taken Report on your Committee's Report for the Fifth Session of the Tenth National Assembly.

Programme of Work

- 4.0 Your Committee considered and adopted the following programme of work for the year 2012:
- (i) consideration of the Action-Taken Report for the Fifth Session of the Tenth National Assembly; and
 - (ii) consideration of *Media Coverage of Elections in Zambia*. In order to appreciate what was obtaining on the ground, the Committee also undertook local tours to Lusaka, Central, Copperbelt and North-Western provinces.

Procedure Adopted

- 5.0 Your Committee considered submissions from various targeted witnesses and undertook local tours.

To assist it in its inquiry, your Committee interfaced with the following stakeholders:

- (i) Electoral Commission of Zambia (ECZ);
- (ii) Zambia National Broadcasting Corporation (ZNBC);
- (iii) Muvi TV;
- (iv) Zambia Daily Mail;
- (v) Times of Zambia;
- (vi) The Post;
- (vii) Media Institute of Southern Africa (MISA);
- (viii) Forum for Democratic Process (FODEP);
- (ix) Zambia Union of Broadcasters and other Information Disseminators (ZUBID);
- (x) the Movement for Multiparty Democracy (MMD);
- (xi) Daily Nation;
- (xii) New Vision;
- (xiii) Zambia Episcopal Conference (ZEC);
- (xiv) House of Chiefs;
- (xv) The European Union; and
- (xvi) Ministry of Information, Broadcasting and Labour.

PART ONE

CONSIDERATION OF TOPICAL ISSUE

Media Coverage of Elections in Zambia

Background

6.0 Your Committee noted that during elections, Media houses were faced with serious professional challenges in providing the public with accurate, fair, impartial and balanced information about the electoral processes and political contestants. Your Committee is aware that the role of the Media is to ensure that the electorate is empowered to make an informed decision. Further, in order to achieve this, the Media was guided by the Electoral Code of Conduct. Regrettably, there were always allegations of unfair and partial coverage of political players. In this regard, therefore, your Committee resolved to undertake an in-depth study on the media's adherence to the Electoral Code of Conduct in ensuring accurate, fair, impartial and balanced reporting. The objectives of the study were to:

- (i) find out how Media houses adhered to the Electoral Code of Conduct during elections;
- (ii) find out the major hindrances in ensuring accurate, fair, impartial and balanced media coverage during elections; and
- (iii) make recommendations on how to improve media coverage of elections in Zambia.

SUBMISSION BY THE ELECTORAL COMMISSION OF ZAMBIA (ECZ)

7.0 The Director, Electoral Commission of Zambia informed your Committee that elections, in any democracy worldwide, were the outcome of a complex process requiring the participation of a multitude of players. She said the key players in the electoral cycle included political parties, the State, civil society organisations, media, religious institutions, private sector and election monitors. Therefore, in order to effectively co-ordinate these players and level the playing field, it was imperative to develop an elaborate Code of Conduct that ensured a peaceful, free and fair election for all.

Your Committee learnt that media practitioners had a crucial responsibility in the dissemination of the content of the Electoral Code of Conduct, herein after referred to as the Code, to the population. The reality was that many Zambians relied on media coverage to help them make informed decisions regarding their preferred candidates. Therefore, it was imperative that journalists performed their duty diligently and in a responsible manner. In this regard, utmost care needed to be exercised to ensure that their coverage contributed to free and fair elections.

In the same vein, your Committee was informed that the Code was an essential piece of legislation that guided all stakeholders to ensure that the electoral process was conducted smoothly. The Code for the 2011 Tripartite Elections in Zambia came into effect on 29th July, 2011, immediately after the National Assembly was dissolved and the election date announced.

She submitted that the ECZ prescribed the campaign period to commence on 29th July, 2011 and closed on 18th September, 2011 at 0600 hours. The Commission could not, therefore, enforce the Code of Conduct before the commencement of campaigns since the Code came into effect after the campaign period had been announced.

Your Committee was informed that after the announcement of the campaign period, the Commission continually engaged media houses to sensitise and remind them about the provisions of the Electoral Act, herein after, referred to as the Act and the Code.

The Director informed your Committee that the Commission recognised and respected the constitutional guarantees of fundamental rights and freedoms which included the freedoms of assembly, association, conscience, expression and movement of individuals and media during campaign periods. While the media had the prerogative of choosing what to cover in their broadcasts or publications, their professional ethics demanded that they met certain basic expectations in their reporting.

Your Committee learnt that the Commission observed, however, that during the run-up to the 2011 Elections, there was a highly polarised media environment which denied voters access to balanced news. In some extreme situations, media reports about election events deliberately misled the public, thus increasing suspicions of the electoral process.

The Director submitted that the Commission also noted that there was less coverage of issues that affected the voters and, indeed, the electoral process. She said more coverage was devoted to personalities and triviality about the participating candidates and political parties. Most of the inflammatory and negative reports originated from a number of Movement for Multiparty Democracy (MMD) and Patriotic Front (PF) rallies.

Your Committee further learnt that some political parties started campaigning through the media and other forms even before the campaign period was announced. The Commission was guided by the provisions of the Act and Code on how the media shall cover elections in Zambia.

The Director informed your Committee on the question of the conduct of media houses during elections and whether they complied with the provisions of the Code that there was need to refer to the legal framework by citing relevant provisions of the constitution, the Act and the Code, before delving into the conduct of the media houses.

Your Committee was informed that Articles 11 and 20 of the Constitution of Zambia guaranteed freedom of expression including freedom to hold opinions, communicate and receive ideas and information without interference.

The Director said that Section 27(1) of the Act stated, that “every public officer and public entity should give and be seen to give equal treatment to all candidates to enable each candidate conduct their campaign freely.”

She explained that the term ‘public officer’ covered journalists in the public media as well. This meant that journalists working in the public media had a duty to give and be seen to give equal treatment to all candidates.

In this regard, media houses fell within the umbrella of public entities and were expected to give and to be seen to give equal treatment to all candidates.

The Director also explained that the role of the media in this context was to bring out content of all campaign activities in their reportage or simply ensure that manifestos of parties and candidates were covered. By so doing, the media would help the electorate to make informed choices.

Your Committee learnt that according to the Act, entitlement to fair coverage was a right for political parties and candidates which could even be enforced.

The Director stated that although Section 27 (1) and (2) of the Act was confined only to public officers and public media, the private media were not allowed to be biased in reporting. She explained that when publishing or carrying electoral advertisements, the Act further required every newspaper, whether private or public, to clearly indicate that the programme or article was an advertisement by placing the word advert.

With regard to the Code, the Director stated that the Code provided for both public and private media to practice fairness in the coverage of candidates and political parties in the spirit envisaged by the Act.

Your Committee was informed that all print and electronic media houses were obliged to provide fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties and candidates during the period of campaigning and also news of the electoral process up to the declaration of results.

The Director further emphasised that all print and electronic media houses also needed to abide by regional codes of conduct in the coverage of elections such as the Southern African Development Community (SADC) Guidelines and Principles for Broadcast and Coverage of Elections, provided the guidelines were not in conflict with the ECZ Code.

As regards the issue of accuracy in reporting, your Committee learnt that all media houses were obliged to report news on elections in an accurate manner and not to make any abusive editorial comments, incite violence or advocate hatred based on race, ethnicity, tribe, gender, political or religious conviction.

In case of complaints, your Committee was informed that if a media practitioner was victimised in the course of his/her duties, they were entitled to report to the Conflict Management Committees established by the Commission.

The Director further explained that the Code provided for political parties and candidates to complain against journalists to the Conflict Management Committees and the Commission. In addition, any candidate or party that wished to make a complaint of unfair treatment or coverage in the course of the election campaign were required to put it in writing to the Commission.

Your Committee further learnt that the Code states that all public and private media personnel are to conduct interviews with candidates with fairness both in the style of the interview and in the amount of time given.

The Director stated that the Code provides that all public television and radio broadcasters need to allocate equal public air-time to parties for their political broadcasts. She explained that a party would not buy more than thirty minutes air-time in any given one language on public television or radio in any one week. This provision was made in the spirit of fair play.

On the issue of opinion polls, the Director said that television and radio broadcasters were not to schedule any party's political broadcast or other political discussion or interview, opinion poll-results or broadcast prediction of the result of polling day until the polls were closed. Public opinion polls were to be treated with caution and broadcasters needed to inform the public on the source of the poll and also indicate the margin of error.

As regards the publication of results, your Committee was informed that it was a requirement that all media houses devise an election results programme which would keep the electorate up to date with the progress of the vote-counting process and avoid unfounded speculation which could cause instability, but broadcast confirmed election results as they were announced and published by Presiding Officers.

Your Committee was informed that record keeping was important and the Code provided that television and radio stations maintained full records of all radio and television news bulletins and recordings of all programmes related to the elections, including party political broadcasts and institute a close and meticulous monitoring system to ensure balance throughout the campaign period up to the close of poll.

Your Committee learnt that the Code provides that television and radio stations should provide the Electoral Commission of Zambia with all information and recordings as the Commission required to fulfil its monitoring role. The Commission required newspapers to also provide the possibility for inspection of back-copies in the event of a complaint.

With regard to the preparations for coverage of the 2011 Tripartite Elections, the Director stated that the Commission recognised the critical role the media played during elections in informing the public about issues, events and personalities that may have an impact on their lives. To do this effectively, media practitioners needed to understand and appreciate several basic guidelines which included:

- (i) the electoral process;
- (ii) their duty to inform;
- (iii) rules/laws regarding elections coverage;
- (iv) protection of freedom of expression during elections; and
- (v) implementation or applicability of the guidelines.

The Director said it was against this background that the Commission decided to hold provincial training workshops for the media on the various activities involved in the electoral process in preparation for the 2011 Tripartite Elections. The workshops were to specifically equip journalists with knowledge about the:

- (i) electoral process in Zambia which included delimitation, voter education, voter registration, nominations, poll day and post election activities;
- (ii) challenges inherent in conflict management or avoidance during elections;

- (iii) challenges inherent in the promotion of peace during elections;
- (iv) ethical challenges in the coverage of elections;
- (v) skills in covering election campaigns;
- (vi) skills in covering the polling day;
- (vii) skills in covering the post-election period;
- (viii) knowing their audience(s); and
- (ix) skills in the coverage of elections effectively.

Your Committee was informed that before the provincial workshops, the Commission in collaboration with the Media Institute of Southern Africa (MISA) Zambia Chapter conducted a Media Training of Trainers Workshop from 19th to 23rd July, 2010. A core team of master trainers was put together from the University of Zambia, Evelyn Hone College, Zambia News and Information Services (ZANIS), The Post, the Zambia Daily Mail, MUVI TV and some community radio stations. The Director submitted that the outcome of this training, which was sponsored by the United Nations Development Programme (UNDP), was a roll out programme comprising a series of training workshops on ethical election reporting in various provincial centres throughout the country. The seven provincial media training workshops were conducted in Kasama, Kitwe, Chingola, Lusaka (two), Choma and Mongu. The trainings drew participants from various media institutions from both the private and public media houses including community radio stations. One hundred and forty (140) journalists attended the workshops that were held in various districts from 1st to 16th December, 2010.

Your Committee was informed that evaluations of the training showed a very positive outcome and participants recommended that the training be extended to their editors and heads of media houses.

As a result, the Commission invited all heads of media houses in the country to a meeting where they were grounded on the provisions of the Act and the Code. Thus, with all the training and consultations in place, the Commission expected an improved and fairly balanced coverage of the 2011 Tripartite Elections.

With regard to the conduct of media houses during the 2011 Tripartite Elections, the Commission observed that the run-up to the 20 September 2011 Elections were characterised by polarisation of the media that saw the public media supporting the views of the then ruling party, while the private media supported opposition voices.

The result of this was a campaign coverage that was selective thus denying the electorate the right to have access to a broad range of impartial news. At times, irresponsible and partial media reporting of events openly sought to mislead viewers, listeners and readers which contributed to increased suspicion of the electoral process.

Your Committee was informed that the Commission's observations were in agreement with the key findings of the Zambia Elections Media Monitoring Project, which conducted media monitoring of election-related news content from ten media houses across Zambia. The summary of the key findings from the elections monitoring were as set out hereunder.

(a) The public, private or community-owned

Your Committee was informed that stories in the public media were more likely to feature MMD candidates or officials, who appeared in more than one quarter of all stories on the Zambia National Broadcasting Corporation (ZNBC) TV, Zambia Daily Mail and Times of Zambia. The Director observed that stories in the private media were more likely to feature PF candidates or officials, who appeared in 40% of all stories published by *The Post newspaper* while stories from the community media were the most likely to feature ordinary citizens, who appeared in 25% of all their stories.

The Director also noted that both the public and private media stories included subjective treatment of the political party they covered. She said of the stories in the public media featuring MMD candidates or officials, 33% of them treated the MMD explicitly positively while 48 per cent of the stories in the private media treated the PF explicitly positively. She explained that with a divide in the parties appearing in the public and private media and a degree of subjective treatment, only 34% of all stories were judged to have given an overall balanced treatment of the topics they covered. This was highest among the community media, where 54% of the stories were judged to have provided an overall balanced treatment.

(b) Statements and activities of two main political parties

The Director submitted that 54% of all stories featured only a single source of the two main parties, the MMD and PF and were each the source of 19% of all stories. The United Party for National Development (UPND) was a source for only 6% of stories and other parties were at only 4%.

(c) Public media stories skewed towards covering the ruling party

The Director observed that after the election results were announced, the use of MMD officials as sources for stories in public media dropped from 61% to 19%. The public media also featured PF candidates and officials more frequently after the announcement. Explicitly positive treatment of the PF officials appearing in stories also increased in the public media, rising from 6% to 41% after announcement of election results.

(d) Stories on the upcoming vote

The stories focused but did not provide citizens with information on the policies and substantive issues that affected their lives such as:

- (i) agriculture and health issues were each the main topic of only 1% of all stories;

- (ii) 47% of all stories included information as to how the topic covered would affect ordinary people; and
- (iii) approximately 11% of stories included specific information about policies espoused by the Government or political parties.

As indicated in the Zambia Elections Media Monitoring Project's conclusion, the media coverage of the 2011 Elections was driven by political allegiances of the public and private media. This meant that the public had few sources, particularly in the national media, for the sort of balanced news and information that would enable them to make informed choices about their country's leadership.

Commission's remedial measures

The Director said that much as the Code provides for grievance procedures, the Commission also intervened in a number of cases that came to its attention as set out below.

- (a) Upon the announcement of the election date and campaign period, the Commission summoned the Director General and management of Zambia National Broadcasting Corporation (ZNBC) on 28 July 2011 to remind the Corporation on the need to abide by the Code and accord all candidates and political parties fair coverage during campaigns.

ZNBC was also requested to stop transmitting the "Stand Up for Zambia" documentary, which seemingly supported the presidential candidate for the then ruling party, the MMD and demonised the presidential candidate of the then leading opposition party, the PF.

- (b) The Commission met heads of the '*Times of Zambia*' and '*Zambia Daily Mail*' and cautioned them on the need for fair and balanced coverage in their news reports about the participating candidates and political parties.
- (c) The Commission met management of '*The Post*' newspaper to remind them on the need to abide by the Code and accord all candidates and political parties fair coverage during campaigns. The Commission specifically reminded '*The Post*' to report fairly on its position on the engagement of Universal Print Group to print ballot papers for the 2011 Tripartite Elections.
- (d) During nominations of presidential candidates at the Supreme Court premises from 7th to 11th August 2011, the Commission learnt that ZNBC TV Outside Broadcasting (O. B.) vans were positioned within the Supreme Court premises to transmit live on television the filing of nominations for the MMD candidate on 10 August 2011, without according other candidates similar coverage. The Commission directed ZNBC to stop the transmission and remove the O. B. vans from the Supreme Court premises because such transmission was not accorded to other aspiring presidential candidates and would, therefore, disadvantage them.

- (e) The Commission summoned management of QFM Radio and cautioned them to stop speculating and sensationalising the incidences of violence in some constituencies in Lusaka.

The Director informed your Committee that in view of the provisions of the Code and the findings of the Zambia Elections Media Monitoring Project, it was clear that a number of media houses did not adhere to the provisions of the Code of Conduct.

Your Committee learnt that in accordance with powers of the Commission in Regulation 17 (1) (a) and (2), a number of media houses were invited to appear before the Commission when concern was raised regarding the manner they were reporting on electoral issues and where necessary, cautioned.

The Commission was, however, concerned with the media coverage that was deliberately sensational and quite inflammatory to the extent of heightening tension and mistrust in the elections, thus undermining the credibility of the electoral process.

The Director said the absence of a professional self regulatory body respected by all media houses contributed to the biased coverage of some media houses towards certain political parties and candidates and to some extent the unprofessional conduct of some journalists.

HINDRANCES

Your Committee learnt that the hindrances in ensuring accurate, fair, impartial and balanced media coverage included the following:

- (i) inclination to a political party or party affiliation;
- (ii) lack of access to political party functions, programmes and manifestos;
- (iii) lack of resources e.g. transport or human;
- (iv) political interference;
- (v) influence from owners of media houses;
- (vi) lack of in-house editorial guidance on election coverage;
- (vii) sheer disregard for ethical election coverage on the part of journalists;
- (viii) bribery and corruption;
- (ix) influence and pressure from civil society organisations; and
- (x) violence and harassment of media practitioners by party cadres.

WAY FOWARD

Your Committee was informed that as a way forward, the Commission recommended the following measures as a step towards ensuring accurate, fair, impartial and balanced media coverage:

The following were the other recommendations:

Free airtime: ZNBC channels on television and radio should provide each participating political party and presidential candidate with free airtime during campaigns.

Self regulatory mechanism: Media houses, in collaboration with media associations, should put in place self regulatory mechanisms that would be respected by all media houses.

Independent Board of Directors: Boards of directors of public media houses should be scrutinised and ratified by the National Assembly, to minimise political interference in the public media.

Media responsibility: The media must act responsibly by avoiding the use of language or sentiments that had the potential to cause hatred, anxiety or violence when reporting about the electoral process.

In conclusion, the Director said accurate, fair, impartial and balanced media coverage of elections was dependent upon the media houses' adherence to the Code. According to the study that was done to critically analyse media coverage of the 2008 Presidential Election in Zambia, media practitioners expressed satisfaction with the provisions relating to the media in the Code (MISA Zambia, 2009).

The biased media coverage of the 2011 Tripartite Elections was, therefore, due to sheer disregard of the provisions of the Code.

Asked whether the disregard of the Code was as a result of the use of the moral-persuasion than punitive measures, the Director informed your Committee that given the period they were in and the current provisions of the Code, the best route was to hold meetings with different media houses which the ECZ were of the view that it could have assisted the nation.

On whether the ECZ was satisfied with the current legislation or whether there was need to strengthen the Code in order to make it more effective, the Director stated that in certain situations, media houses that were found wanting even disregarded summons from the Commission. She observed that even if the Commission summoned and cautioned erring media houses, they still went back and did what they wanted. In this regard, a review could be done so that other sanctions are provided rather than what existed in the Code so that stringent punitive measures would be put in place during an election period.

However, there was need to look at what punitive measures could be put in place without it being seen as a means of gagging the media, but strong enough for people to appreciate in order to know that there were consequences if they abrogated the Code. The Director stated that while it would be necessary to come up with punitive measures, those measures should be weighed against the freedom of expression because the electorate was largely dependent on the media during election periods. Therefore, efforts aimed at stiffening the hand of the media could result in the electorate not being given sufficient information upon which to base their decisions.

The Director stated that in 2006 the Code provided that when a journalist failed to abide by certain provisions of the Code, they should be jailed for six months, but there was an outcry and that element was removed from the current revised Code. Journalists were of the view that the Commission was going to use the Code against them.

On what should be included in the media Bills that were yet to be brought before Parliament, the Director said one of the recommendations that had been made was that of putting a self regulatory mechanism in place. She said the Commission was of the view that if a self regulatory body was put in place, the ECZ could work with that body in order to jointly come up with the sanctions and punitive measures that could be taken against erring journalists or media houses.

Your Committee further learnt that one of the offences which had a punitive measure was the failure by an electronic media house to keep copies of recordings of broadcast material. She said in the 2006 Elections, recorded material was erased and the matter went to court and it was prosecuted. Therefore, the freedom of expression issue was a sensitive one and the Commission would not like to have extreme measures put in place, but to liaise with media bodies in order to come up with sanctions and punitive measures that could be agreed upon, legislated and enforced during election periods.

The Director further explained that journalism was more about social responsibility and ethics and if a journalist failed to meet up to their ethical requirements, they would stand to lose face and put their career at risk. She said on that basis, it was important to remind the media of the impact that their kind of reporting could have on the public.

On the effects of the absence of a self regulatory body, the Director stated that a self regulatory body would monitor the operations of journalists just like lawyers have the Law Association of Zambia (LAZ) which had a disciplinary procedure in place where if one was found wanting, they could be debarred or suspended from practicing. The same applied to those in the medical profession. Therefore, it was important that journalists had a similar body which could give guidance on who should be employed as a journalist. Currently, there were so many untrained media personnel and because of that, there were stories and publications which were not in line with the journalism ethics. However, if a regulatory body was put in place, it would also help to regulate the conduct of even those who were joining the profession.

On the difficulties the Commission faced in implementing some of the recommendations that had been raised in their submission such as the issue of free airtime, the Director stated that in the past, the Commission made budgetary provisions for political parties to take advantage of the ECZ sponsored programmes though they were still not adequate. As a result, there had been suggestions that in an election year, more airtime should be made available through a ZNBC budget provision just like the Commission liaised with the Zambia Air Force (ZAF) on the budgetary needs regarding the use of air transport. If, as a social responsibility, the public media could be provided with a budget to provide airtime for participating political parties and presidential candidates, that could give more opportunities to all the participants.

As regards training of journalists, the Director stated that to a large extent, it was the calibre of some of the journalists that appeared to be wanting. Therefore, there was need to keep reminding the media of being ethical in their manner of reporting because some wars, like in Rwanda and Burundi, were largely due to biased reporting by the local media.

On why the ECZ wanted a regulatory body in place, the Director stated that even if the Commission was advocating for the body to be put in place, it was not abdicating its responsibility of monitoring the media, but felt that it could work very closely with the regulatory body because, in some cases, it could be the first point of call. It could work like the District Electoral Conflict Committee that dealt with complaints at district level and if not addressed at that level, they were channelled to the Commission.

On whether the Commission was satisfied and independent in its operations, the Director said the Commission was satisfied with the status quo, but had submitted to the Constitution Review Commission that the powers of the ECZ needed to be strengthened in terms of dealing with abrogation of either the Code of Conduct or other electoral laws.

On the suggestion to disqualify erring parties, the Director said in its submission to the Constitution Review Commission, the Commission proposed an idea of disqualifying a candidate or party that was in serious breach of the electoral regulations because that would be a good deterrent. Whether that should be applied to journalists, was subject for debate because if a lot of journalists were found wanting, there could be a situation where there would be no journalists to report on the elections. She said that was the reason why there was need to work closely with the media to agree on what sanctions could be taken against a media house or a journalist who abrogated the law. A fine or a non-custodial sentence could be implemented.

On whether all the parties met the expectations of the Commission, the Director said the main issue of concern during the run-up to the 20 September 2011 Election was the increase in violence amongst contesting political parties. As a result, political parties were called and the Commission signed a communiqué with them and they all promised to adhere to the Code and to refrain from violence. She said, generally, the Commission received support from political parties when need arose.

SUBMISSION BY THE PUBLIC MEDIA

8.0 Your Committee learnt that the public media in Zambia failed the test as far as professionalism was concerned during the run-up to the September 2011 Tripartite Elections. In fact, it was submitted that the public media had been failing citizens ever since they were nationalised in the late 1960s as the ruling United National Independence Party (UNIP) Government were of the view that its voice could not be heard in the privately held media. As a result, the first Republican President, Dr Kenneth Kaunda, then argued that Government's developmental programmes were not being covered by the media. Hence, he had no option, but to nationalise the '*Times of Zambia*' and '*Zambia Daily Mail*.'

The stakeholders submitted that it was this nationalisation that, to-date haunts the public media, whose role was no longer that of watchdog, but that of singing praises to the party in power. In this regard, media heads, afraid to lose their jobs, abandoned their roles and only pandered to the whims of politicians in power. They argued further that although this may be the case, no media performance in previous election periods could compete with 2011 in terms of mediocrity in reporting.

Your Committee was informed that management at the *Daily Mail* identified certain journalists whose role was to destroy Patriotic Front (PF) president Michael Sata's character. Their job, everyday, entailed working with individuals masquerading as leaders of non-governmental organisations who were, in fact, hired by the ruling party to scandalise Mr Sata. It was submitted that stories that emanated from the *Daily Mail* newsroom included claims that Mr Sata supported homosexuality in Zambia, that he had collapsed while on a campaign and that first President Kenneth Kaunda suffered from dementia, a mental illness, just because the former President agreed with Mr Sata on many issues.

Your Committee was further informed that the *Daily Mail* also printed two publications - *The Zambian* and *Stand Up for Zambia*; which were published by Mr Chanda Chimba III and Mr Ngande Mwanajiti, both of whom were sponsored by the Government through the Ministry of Information and Broadcasting Services. The Director General said the *Daily Mail* also bought computers, cameras and other paraphernalia to facilitate the printing of these publications whose sole purpose was to scandalise Mr Sata.

Your Committee further learnt that in typical anti-business dealings, the *Daily Mail* Management also printed the *Times of Zambia* to enhance propaganda coverage. The *Times of Zambia* used the *Daily Mail* printing materials at the time, including newsprint, a decision that had left the *Daily Mail* in financial difficulty.

In view of the foregoing, the issues set out below were identified as some of the major factors that affected the coverage of elections in Zambia.

1. POLITICAL INTERFERENCE

Your Committee learnt that there was political interference in the operations of the public media. It was evident that there was an 'invincible' hand which had, in the past, interfered with the operations of the public media. Consequently, there was lack of editorial independence and ultimately performance had often been compromised because politicians sought to control the output, as evidenced by the unprofessional reporting by the public media in the period preceding the 20th September, 2011 Polls.

2. FEAR OF LOSS OF EMPLOYMENT

Your Committee learnt that fear of loss of employment among media practitioners had often compromised performance. It was submitted that many journalists were scared to 'bite the finger that feeds them' because politicians had often used their influence to get rid of non-compliant journalists.

For instance, *Times of Zambia* News Editor, Mr Andrew Sakala, was unexpectedly sacked "in national interest" in the run-up to the 20th September, 2011 Elections. The definition of "national interest" was not stated. The most probable reason was that Mr Sakala was the President of the Professional body, the Press Association of Zambia, which refused to be cowed into submission over its stance on non-statutory regulation of the media.

3. MEDIA OWNERSHIP

Your Committee further learnt that Government ownership of public media houses and appointments of media heads compromised the performance of the public media.

Your Committee was informed that, currently, the Government owned 100% shares in the public media. This accounted for the predominance of propaganda as opposed to news because of the 'external' influence exerted on the media practitioners by some overzealous Government officials.

4. INADEQUATE CONSTITUTIONAL PROVISIONS

The stakeholders submitted to your Committee that the media fraternity lacked explicit provisions which would guarantee media freedom. They urged parliamentarians to back this lobby so that constitutional provisions could be strengthened in the new Republican Constitution. This was because the provisions in the current constitution were subject to too much derogation. As a result, media freedom was not fully guaranteed. However, they were alive to the fact that the current political dispensation had enhanced media freedom, but wanted to see this freedom entrenched in the Constitution.

5. INADEQUATE RESOURCES

Your Committee was informed that public media houses were under-capitalised and faced serious financial problems which impacted negatively on their ability to provide all the required equipment such as transport, cameras, recorders and computers in desired quantities.

Consequently, mobility of reporters, particularly during the campaign periods, was affected and resulted in the public media's inability to reach all areas of the country.

Further, political parties with more resources invariably ended up with more coverage because of the assistance they extended to media organisations. Unfortunately, such 'help' raised fundamental issues of 'bias' and 'objectivity'.

6. HARASSMENT AND INTIMIDATION

Your Committee also heard that journalists from the public media were harassed by the public because they were perceived to be pro-government. At times, they were denied access to cover some opposition political parties. For instance, ZNBC journalists were prevented from covering the PF Convention that was held at Garden House, in Lusaka.

SUBMISSION BY THE PRIVATE MEDIA

9.0 The private media submitted that they were also inundated with problems of inadequate funds, poor logistics, understaffing and lack of other important equipment that was required to cover elections. They also identified the issues set out below as some of hindrances to the free flow of information during elections.

1. ELECTORAL COMMISSION OF ZAMBIA (ECZ)

Your Committee was informed that while the Code was adequate in its current form to achieve balanced coverage, the Commission, however, lacked the strength to implement the Code. As a result, the Code was flouted with impunity by virtually all political players. Worse still, the opposition political parties were denied access to the public media, but the Commission did little or nothing at all to correct the situation.

The stakeholders submitted to your Committee that the *Stand Up for Zambia* Programme, for example, started airing before the official campaign period was declared. In this regard, it was the role of the ECZ to inform the nation whether the campaign period had begun or not. They argued that the ECZ should have determined whether that particular programme was disadvantaging other political parties or not. However, the ECZ did nothing to stop the programme.

Your Committee also learnt that the ECZ was not proactive in the manner it released information to the media. At times, it was very hostile to some media houses and became secretive when journalists wanted crucial information on certain issues regarding elections. The lack of adequate information relevant to the public and the media from the Commission left journalists speculating.

2. POLARISATION OF THE MEDIA

The stakeholders submitted that there was a highly polarised media environment which resulted into selective campaign coverage of parties. They argued that political parties were the cause of the selective campaign because they had preferences on which media organisation was to cover their meetings such that media personnel who were viewed as inimical to their operations were not allowed or chased out of the meetings. For instance, MUVI TV reporters were denied access to the MMD Convention on 18th July, 2011.

3. BRIBERY OR INDUCEMENT

Your Committee was also informed that the media was compromised because politicians had a tendency of taking journalists and paying for their up-keep and even giving them 'tips' during campaign trails when their institutions paid for their up-keep whilst away on duty. The stakeholders wondered whether those incentives enhanced objectivity or were an act of bribery. In light of the foregoing, they emphasised that politicians were the cause of the polarisation because they induced journalists.

4. INTIMIDATION AND HARASSMENT BY CADRES

Your Committee was informed that the safety of journalists was not guaranteed during political campaigns because most of them were victims of harassment and intimidation. Political party cadres at times harassed journalists even when they were doing community stories. For instance, journalists were attacked by cadres in Lusaka West when they went to cover a land wrangle in that area exposing their equipment (recorders and cameras) to danger of damage.

In the same vein, some reporters who covered the presidential nominations were also physically manhandled. Further, political campaigns were sometimes marred with violent activities to the extent that some journalists were victimised and intimidated. The stakeholders complained that the ECZ did not put in place mechanisms to ensure that journalists were provided enough room and protection during the election period.

5. INTIMIDATION BY POLICE OFFICERS

Your Committee also learnt that police officers were violent against journalists. It was submitted that the relationship between journalists and police officers was not good enough as they viewed each other as opponents in the field. The lack of understanding each other's civic duties created a hostile environment for reporters to discharge their duties effectively especially during elections.

SUBMISSION BY OTHER STAKEHOLDERS

10.0 Your Committee was informed that along with the polarisation of some of the leading media houses, was a marked absence of issue based reporting on actual policies, plans and strategies of various parties in favour of the focus on personalities and 'headliners'. Unfortunately, this was to the detriment of the Zambian public who received little and often biased information on what the various parties and candidates wanted for the future of Zambia in terms of poverty reduction, economic development and social issues. This made it difficult for the general public to choose their candidates/party during elections based on distinct policies and developmental objectives.

Further, your Committee was informed that there was a relative lack of capacity amongst media practitioners in particular when it came to editorial quality assurance. Sometimes articles and packages for radio or TV lacked a proper follow through in terms of hearing both sides of a story, background information, impartiality and going beyond quoting verbatim from a source. Again, this left the Zambian audience lacking in access to well written, recorded or researched and in depth information.

The stakeholders pointed out that the manner in which stories were reported caused tension among political players. This increased the risk of polarisation of not just the parties and candidates, but also the electorate which sometimes resulted into violence.

It was proposed that in order to ensure that media personnel did not continue flouting the Code adequate funding was required to allow for more training for media practitioners particularly in community radio stations to enable them have an in-depth understanding of the Code.

The stakeholders submitted that the Code had loopholes, especially on the part of enforcement. As a result, it was not only the media that violated the Code but political parties too. Therefore, the Code needed to be strengthened so that stringent measures were put in place. However, politicians as well needed to be exemplary in terms of respecting the Code and then others would follow.

Your Committee further learnt that polarisation of both the private and public media was a result of ownership which was a challenge not only to the public but also the private media.

They, however, submitted that there was no reason why the public media could not provide a public service because they were funded by the public. That was why the Code placed more responsibility on the public media regarding their mandate and very little or nothing on the private media.

The stakeholder explained that the painful truth about the private media was that it was private business and the owners were concerned about meeting the needs of the equity shareholders. As a result, it was those who put money into private media who in the long run drove the agenda unlike the public media which was funded by the public.

It was further explained that tabloids were emerging because the public media had failed to fulfil their public service role. It was on that premise that tabloids were emerging with lots of sensationalism, gossip and light stories to fill up the void. However, while that may be the case, the private media was also being encouraged to offer public service because they operated in the public environment.

The stakeholders also submitted that there was need to have a regulatory body that would ensure that capacity was built in media organisations in order for media practitioners to work ethically. They proposed that the best way to address the issue was to establish the Zambia Media Council (MECOZ) which they said could have been launched last year 2011, but was not supported by the MMD Government. If the Council was implemented, it could have monitored the conduct of media houses and journalists and also ensured that they abided by the ethical guidelines provided therein.

Your Committee was further informed that reports indicated that both the print and electronic public media covered the ruling party (MMD) more favourably in all its articles or stories than it did for the opposition political parties. It was submitted that the foregoing was in breach not only of the Code but also Section 2 (2) of the SADC Principles and Guidelines on Elections. However, there was no evidence that any remedial action was taken for this breach.

It was further pointed out that the fact that the ECZ and the Zambia Police were not visible in stemming any breach of the Code indirectly aided and abetted other media houses and practitioners to ignore the Regulations because no one was penalised in accordance with the provisions of the Regulations.

Your Committee also learnt that no single media house or media practitioners was censured, reprimanded, charged or publicly penalised for failure to comply with any section of the Code. Had this been done, it would have served as a deterrent to others. In this regard, one only needed to recall the broadcasts “*Stand up for Zambia*” programmes by Chanda Chimba III on Zambia National Broadcasting Corporation Television, Muvi TV and Mobi TV. These broadcasts were blatantly slanted against such persons as Mr Michael Sata as an aspiring presidential candidate of the Patriotic Front and even Mr Fred M’membe of *The Post* newspaper and sometimes the Catholic Church in Zambia.

The broadcasts were clearly in favour of the ruling party the Movement for Multi-party Democracy (MMD) and its presidential candidate, Mr Rupiah Banda. Even the ZNBC, as the broadcaster acknowledged the impropriety of the broadcast by a non-effective disclaimer at the beginning and end of each programme.

Not a single day did the Electoral Commission of Zambia, the Ministry of Information and Broadcasting Services or any person in authority publicly condemn or censure Chanda Chimba III or the broadcasts. This was clearly endorsing non-compliance with the Regulations.

Furthermore, Zambia was inundated with such unregistered partisan newspapers as *Stand up for Zambia*, *News of Our Time*, and *The Zambian*, all of which deliberately attacked in their articles various leaders of the opposition parties, but extolled the work of the leaders and the ruling party, MMD. In this instance, again, the ECZ and the Zambia police took no action to correct the situation.

The ZNBC television, *Times of Zambia* and *Zambia Daily Mail* newspapers also prominently gave favourable coverage of the presidential candidate and the MMD. Not one article or story gave any negative view of the then ruling party, the MMD. When these public media institutions covered the opposition party leaders it was either in the negative context or very briefly – all contrary to the Code 2011.

The foregoing disregard by authorities charged with the responsibility of enforcing the Code 2011 greatly contributed to weakening compliance.

Committees' Observations and Recommendations

11.0 After considering all the submissions, your Committee observes that:

- (i) there is an adequate legal framework;
- (ii) with regard to the electoral process the Code does not give the ECZ strength to impose sanctions on media houses and media practitioners that abrogate the electoral regulations;
- (iii) the ECZ has not set up a special media centre where journalists can access information relevant to the elections other than the normal communication channel;
- (iv) the lack of the physical presence of the ECZ at provincial and district levels contributes to the deliberate disregard of the Code;
- (v) the biased coverage of elections is due to a deliberate disregard of the Code by some media houses;
- (vi) there is a regulatory vacuum which is caused by the absence of a professional body that could monitor the conduct of media houses and journalists;

- (vii) appointments of media heads by the Executive compromise the operations of the public media due to job insecurity;
- (viii) public media practitioners are skewed towards covering the ruling party;
- (ix) there is a highly polarised media environment during elections because media houses blatantly choose to either support the Government or Opposition. Further, some political parties had preferences on which media house should cover their meetings;
- (x) the lack of sensitisation programmes for police officers and journalists makes it difficult for them to understand their roles in an election;
- (xi) the placing of the word 'advert' gave leeway to media houses to publish defamatory materials;
- (xii) the ownership structure of the media affects content, that is, the Government owns 100 per cent shares in the public media which accounts for the predominance of propaganda as opposed to news during election periods while the painful truth about the private media is that it is those who put money into private media (business) who in the long run drove its agenda;.
- (xiii) media practitioners, from both public and private media houses, censor their stories for fear of losing employment or fear of biting the finger that feeds them;
- (xiv) political interference and political inclination of major media houses makes them turn themselves into image builders and publicity wings for particular political parties;
- (xv) the lack of issue based campaign during elections also contributes to the violence and intimidation of journalists; and
- (xvi) the seeming inadequate resources by some media houses forces their reporters to become engraved into political party programmes and entourage hence losing their independence of judgement to news.

In view of the above observations, your Committee recommends that:

- (i) there is need to strengthen the Electoral Code of Conduct in order for the ECZ to impose sanctions on media houses that abrogate the Electoral Code of Conduct;
- (ii) there is need for the ECZ to consider decentralising its services to provincial and district levels in order to address electoral malpractices;
- (iii) the ECZ should set up media centres at provincial and district levels during election periods where journalists can access information relevant to the elections other than the current centralised communication channel, to avoid speculations;

- (iv) there is need to establish a strong professional body that should monitor the conduct of journalists and media houses;
- (v) there is need to review the appointment modalities of public media heads by allowing independent boards to do so. Further, members of boards should be chosen from relevant stakeholders;
- (vi) the ECZ should include police officers in their sensitisation programmes to enable them understand the role of the media during elections;
- (vii) the Government should partially privatise the public media to enhance media quality and avoid abuse by the party in power and also recapitalise it;
- (viii) there is need to establish an Election Media Fund which will help all public and private media houses to adequately cover elections;
- (ix) the Government should enact the Freedom of Information Bill (FOI) to enable journalists provide accurate information;
- (x) there is need to implement the *Independent Broadcasting Authority (IBA) Act* and restoration of the *ZNBC Amendment Act of 2002* to prevent further abuse of the national broadcaster by politicians.
- (xi) once the media regulatory body is established, it should closely monitor publications that appear on the streets during elections;
- (xii) there is need for ZNBC to provide free air time during campaign periods to all contesting political parties;
- (xiii) media houses are urged to function professionally and not incline themselves to political parties; and
- (xiv) public media houses should be funded adequately during elections in order to lessen the burden of individual parties sponsoring journalists as this compromises their objectivity.

PART TWO

LOCAL TOUR OF LUSAKA, CENTRAL, COPPERBELT AND NORTH-WESTERN PROVINCES AND A PUBLIC HEARING IN KASEMPA DISTRICT

12.0 In order to appreciate what was obtaining on the ground as regards to media coverage of elections in Zambia, your Committee undertook tours to Lusaka, Central, Copperbelt and North-western provinces. The objective of the local tour was to familiarise Members of Parliament with the operations and ascertain the challenges that media practitioners face during the coverage of elections in Zambia. Your Committee also wanted to know the operational challenges that the Zambia News and Information Service (ZANIS) was facing.

In this regard, your Committee visited public, private, faith based, community radio and television stations and selected ZANIS offices in Lusaka, Central, Copperbelt and North-Western provinces and also held a public hearing in Kasempa District.

Findings of the Tour

The findings of the tour are set out below.

1. PUBLIC MEDIA

Your Committee learnt that several factors affected the coverage of accurate, fair and impartial news during election periods such as inadequate funds, vehicles, cameras and other logistics required by journalists to follow political players on their campaign trails.

Your Committee learnt that during election periods, both the electronic and print media required funding because of the demands for resources such as cameras, recorders, vehicles and allowances for coverage of rallies, meetings and conventions countrywide. This was because during elections, there was need for adequate funds to enable reporters to follow all political players, especially at presidential level who traversed the whole country.

They argued that poor funding contributed to the public media's failure to adequately cover all political players, but only those in the ruling party as they offered Government transport or per diem to journalists. This disadvantaged opposition political parties who could not provide transport and per diem to journalists. As a result, the public media lost its independence as it only covered members of the ruling party to the exclusion of the others.

In addition, there was rampant political interference where cadres and ruling party sympathisers walked into public media houses and demanded for coverage of their activities and that those items be used in the television and radio bulletins and also be published by the public print media.

Another worrying factor was that the public media houses operated without a management board. As a result, journalists and editors resorted to self censorship because of fear of victimisation from editors, political elite and their cadres. This led them to singing praises to the ruling party and created a perception that whatever the President said was important and needed to be heard.

Further, practitioners from the public media submitted with regret that during elections, verbal instructions from the Ministry of Information and Broadcasting Services were given on how stories were to be covered and presented. This was attributed to the absence of Boards because editors at public media houses were exposed to political manipulation by the Appointing Authorities. It was proposed that independent boards of directors should be put in place to give policy direction to the heads of public media houses. In case of ZNBC, members of the Board should be chosen from a cross section of society and should be answerable to the people as opposed to the Minister. They argued that liberating ZNBC from non-interference by politicians and the appointment of an impartial board of directors would ensure that the Corporation operates independently in order to fulfil its mandate to the Zambian people.

Your Committee was further informed that the operations of the public media were being hampered by obsolete broadcasting and printing equipment, old infrastructure with visible cracks on walls and floors and ancient office furniture. It was also submitted that because of poor conditions of service, the public media houses were also facing a high labour turnover. It was proposed that public media houses should be recapitalised adequately in order to buy equipment and improve the conditions of service for the workers. Further, ZNBC required adequate funds in order to replace old equipment with the modern digital ready equipment which would carry the Corporation into the new digital era.

2 PRIVATE MEDIA

In an effort to familiarise itself with the operational challenges of the private media during elections, your Committee visited: The Post, Radio Phoenix and Muvi TV in Lusaka; Radio Maranatha in Kabwe; Mkush Radio Station in Mkushi; Radio Icengelo and Radio Flava in Kitwe; Solwezi Community Radio Station and North-Western TV in Solwezi and Kasempa Community Radio Station in Kasempa District.

Your Committee noted that apart from Radio Maranatha, which submitted that it worked very well with all political parties because it was a non-partisan Christian station and had clear guidelines, most community radio stations were concerned at the increase of harassment and intimidation of reporters by cadres during elections. The stakeholders complained that reporters in rural areas also operated in a hostile environment. They pointed out that cadres especially from the ruling party interfered with the operations of community radio stations. For instance, Solwezi Community Radio Station submitted that during the Solwezi constituency 2009 by-elections, the station was repeatedly threatened with withdrawal of the broadcasting licence if the station did not abide by the demands of the cadres. As a result, fear of withdrawal of licences affected content. It is in this regard that they were of the view that if an independent body such as the Independent Broadcasting Authority (IBA) was put in place, problems relating to issuance of licences could be dealt with by such a body.

Your Committee also learnt that most radio stations had difficulties in accessing party manifestos, attending rallies, meetings, as well as bringing the candidates to their radio stations. They proposed that in future, parties should make manifestos available to all media houses and allow them to attend their meetings or rallies as this would enable people to know what each political party intends to do for the people once elected into office.

Further, your Committee was informed that since the Zambia National Broadcasting (ZNBC) radio signal was poor in the far-flung areas in North-Western province, community radio stations were bridging the gap. However, the operations of these radio stations were being hampered by limited coverage area as well as ZESCO power outages. It was, therefore, proposed that the Government should give licences that will extend the coverage area for these radio stations so that they could reach most parts of the province in order to enhance the flow of information.

While most radio stations stated that they faced financial challenges to purchase broadcasting equipment and vehicles, pay allowances to reporters and renew their licences, Radio Phoenix submitted that they had enough equipment, but their expansion was being hampered by limited coverage area. They, however, complained that duty on imported broadcasting equipment was too high and suggested that the Government should consider waiving duty on broadcasting equipment to enhance the free flow of information and the digital migration process. They also complained against the idea of making radio stations pay a compulsory Licence Fee when most of them were non-profit organisations. Some media houses further submitted that because of inadequate funds, they were unable to employ and sustain qualified reporters.

They also observed that journalism training in Zambia was biased towards print media and suggested that specialised reporting should be enhanced. Further, they also proposed that a subject on election coverage be included in the journalism curriculum.

Further, your Committee was informed that although the ECZ availed some radio stations with the Code for them to apply the electoral requirement during broadcasts, most of them did not have an in-depth understanding of the Code. In this regard, they proposed that, in future elections, the ECZ should intensify electoral sensitisation programmes and involve all community radio stations.

3. ZANIS OFFICES

In order to familiarise itself with the operations of ZANIS, your Committee also toured selected ZANIS offices in Mkushi, Solwezi and Kasempa districts. Your Committee was dismayed to learn that although ZANIS supplied news to almost all media houses in the country, the office was heavily understaffed such that, in most cases, reporters were subjected to cleaning their offices.

Your Committee learnt that Mkushi District in Central Province had the following challenges:

- (i) *Inadequate human resources*
Your Committee was informed that the office had an establishment of three but, currently had one reporter without an office orderly.
- (ii) *Inadequate funds*
It was reported that because of inadequate funds, the office had challenges regarding purchasing of stationery and also repairing the broken-down vehicle.

(iii) *Poor communication facilities*
Your Committee learnt that the office had an internet modem which was usually slow because of poor reception.

(iv) *Poor infrastructure*
Your Committee was informed that ZANIS had poor infrastructure as well as old furniture.

In North-western Province, your Committee noted that ZANIS offices were understaffed. It was submitted that only three (3) of out eight (8) districts in the province had qualified reporters while the rest were untrained. For instance, your Committee was informed that Solwezi District had an establishment of sixteen members of staff, but currently had ten (10).

Your Committee learnt that the office was underfunded such that it was even failing to service its vehicle in order to adequately cover elections.

A concern was raised regarding the K12 million monthly allocation. Some reporters argued that their offices did not receive the monthly allocation on time and sometimes nothing was received for months. The reporters were concerned that they did not have an input in the budget. They further complained that during the September, 2011 Tripartite Elections, some offices received funding from ECZ as late as eight days before elections. As a result, the late release of funds affected the operations of ZANIS office in the province.

Further, reporters also complained that they were intimidated by cadres during elections and were most of the times perceived, by the general public, as being pro-Government which made it difficult for them to operate freely.

In this regard, it was proposed that Government increases funding to ZANIS in order to recruit more reporters and purchase modern equipment to be distributed to all offices around the country.

PUBLIC HEARING - KASEMPA

During the public hearing in Kasempa District, the stakeholders were concerned that a lot of things that happened during elections in the district went unreported. They wondered how stories from other districts in the country were reported and not what happened in the province. They also informed your Committee that the work culture for ZANIS reporters was poor and that could have been the reason why most of the issues that happened in the province were not reported. They proposed that ZANIS reporters should be transferred to other districts at least every five years.

The stakeholders also complained against some media houses that used abusive language in reporting. They submitted that the use of hurtful language should not be tolerated as it derailed people from focusing on important issues and proposed that a body that will monitor the way the media conducted itself should be put in place. Further, the stakeholders were also concerned that local radio stations were mostly used by sympathisers of the ruling party who sometimes verbally abused reporters and people who were running the station. They proposed that political cadres should stop interfering with the operations of community radio stations.

COMMITTEES' OBSERVATIONS AND RECOMMENDATIONS

Your Committee observes that:

- (i) inadequate resources affect the operations of all media houses as most of them do not own necessary modern equipment such as computers, recorders and cameras in their desired quantities;
- (ii) all public media houses, community and faith based radio stations do not have sufficient transport, human resources as well as funds to enable them pay per diem to reporters;
- (iii) the absence of a regulatory body that can monitor the operations of both public and private media houses contributed to the abrogation of the Code;
- (iv) the absence of media boards exposes public media heads to political manipulation by the Appointing Authorities;
- (v) the absence of the media fund makes media houses vulnerable to political parties with enough resources;
- (vi) some media houses failed to report objectively for fear that their licences may not be renewed;
- (vii) some private media houses did not have an in-house editorial guidance on election coverage;
- (viii) some community radio stations did not have access to political party manifestos;
- (ix) journalism training in Zambia is biased towards print media and not much is being done to enhance electronic media training;
- (x) apart from the poor work environment for ZANIS reporters, there is generally a poor work culture;
- (xi) ZANIS offices in rural areas should have an input in the budgets because they know and understand what is obtaining on the ground;
- (xii) almost all media houses, including ZANIS, are heavily understaffed;
- (xiii) rural areas are not covered adequately by the media because of inadequate funds and logistics;
- (xiv) ZESCO power outages interrupt the flow of information and damage equipment;
- (xv) in some cases, community radio stations are 'controlled' by ruling party sympathisers.

In view of the foregoing, your Committee recommends that:

- (i) the Government should consider increasing funding or privatising public media institutions so that they can operate independently without any interference or influence from political players who at times give incentives to reporters;
- (ii) there is need to create an Election Media Fund that will provide resources to media houses in order for them to adequately cover elections because issues such as inadequate equipment like cameras, transport, allowances, recorders and computers will be purchased in desired quantities;
- (iii) a media fund should be established which will benefit community and faith based media houses to meet the demands that come with election coverage;
- (iv) the Government should put in place pieces of legislation that will enable journalists to report independently without external interference;
- (v) there is a need to put in place an independent body that should be chosen from relevant stakeholders to monitor the operations of the media;
- (vi) there is need to enact the Freedom of Information Bill (FOI) which will enable media houses access accurate information;
- (vii) there is need to operationalise the Independent Broadcasting Authority Act (IBA) in order to stop the abuse of the national broadcaster by politicians;
- (viii) there is need for the Government to support the calls to operationalise the Media Council of Zambia (MECOZ) that will monitor the conduct of media houses as well as journalists;
- (ix) there is need to include a module on election reporting in the journalism training syllabus;
- (x) the Government should recruit more reporters in order to make ZANIS offices effective. It should further endeavour to transfer ZANIS reporters every five years to other areas because when they overstay in one place, they tend to relax;
- (xi) the Government should ensure that ZANIS offices in all districts have an input in the budget because they know what is obtaining on the ground and that monthly allocations should reach the districts in time;
- (xii) the Government should improve funding to ZANIS; and
- (xiii) there is need for political parties to avail their party manifestos to all radio stations and allow reporters to attend their meetings.

PART THREE

13.0 Part three reviews the outstanding issues from the reports of your previous Committee.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE COMMITTEES' REPORT FOR THE FIFTH SESSION OF THE TENTH NATIONAL ASSEMBLY

Government to Increase Budget Allocation for Public Institutions

Q. (i) Your previous Committee recommended that the Government should increase budgetary allocations for public institutions.

The Government responded that it was critically looking at this matter. Besides, it was working with the public media and studying other ways in which revenue could be enhanced within the institutions.

Committee's Observations and Recommendations

Your Committee noted that the Government was still studying the matter and requested for a progress report.

Money owed by Government Institutions

Q. (ii) Your previous Committee recommended that the Government assists public institutions to collect money owed to them by Government ministries and departments.

In the Action-Taken Report, the Government submitted that the Ministry of Information had undertaken to find ways in which the debt owed to media institutions could be liquidated. The Ministry had since written to the various owing institutions. Further, the Ministry had sought assistance in this regard from the Ministry of Finance and National Planning.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government is still studying the matter and letters have been written to various owing institutions. In this regard, your Committee awaits a progress report.

Taxation of Media Material

Q. Your previous Committee recommended that the Government provides tax relief on media materials and equipment.

In response, the Government acknowledged the unfavourable tax regime being applied towards key production inputs in the media industry and thus was studying the matter to find ways of addressing the issue.

Committee's Observations and Recommendations

Your Committee observes that the Government is still studying the matter and awaits a progress report.

Funds for Streamlining ZNBC

Q. (iv) Your previous Committee recommended that the Government provides resources for ZNBC to streamline its structure by right-sizing its workforce with a view to motivating its workers with better salaries.

In the Action-Taken Report, the Executive responded that Government intends to review the operations of ZNBC with a view to making the Corporation viable and sustainable. Preparations for this process would commence by the end of the year 2012.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government intends to commence the process by the end of this year, 2012. In this regard, your Committee resolves to wait for a progress report.

Decentralisation of Printing Services

Q. (v) Your previous Committee recommended that the Government should decentralise the printing services for both English and local language papers in order for the papers to be printed close to the communities.

In response, the Government stated that it already had a programme which was aimed at decentralising the printing presses so as to make printing services, especially to local language newspapers, accessible to all. To this effect, the Ministry of Information, Broadcasting and Labour had begun setting up pilot printing projects in Chipata and Kasama. Further, the building to house the printing press for Chipata had been completed and installations of printing machines have commenced while preparations for the construction of the building to house the Kasama printing press were underway.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the construction works for the Kasama Printing Press were still underway and that the Chipata Printing Press has not started functioning. Your Committee, therefore, awaits a progress report.

Operationalisation of the Independent Broadcasting Authority (IBA)

Q. (vi) Your previous Committee recommended that the Independent Broadcasting Authority (IBA) should be made operational so that it can carry out its mandate in as far as the growth and development of the broadcasting sector was concerned.

In the Action-Taken Report, the Government responded that now that a new Government was in place, the Ministry was re-examining the proposed IBA structure made by the previous administration. This was being done in consultation with stakeholders and Management Development Division at Cabinet Office to ensure wide consultations. The Minister would be submitting names of proposed board members as well as the structure to cabinet for approval once consultations have been finalised.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government is still studying the matter by consulting stakeholders and Cabinet office. In this regard, your Committee resolves to wait for a progress report.

Creation of an Economic Climate for the Media

Q. (vii) Your previous Committee recommended that the Government should create an economic climate that allows for media outlets to make a profit, or at least be able to breakeven and lay the foundation for a sound organisation. This would enhance the prospects of having increased media coverage across the country particularly for the print media whose growth and development is below par.

In response, the Executive stated that the Government through the Ministry was reviewing the 1996 Information and Media Policy which would take cognisance of the changing media landscape in the country and the need for the creation of a conducive economic climate.

Committee's Observations and Recommendations

Your Committee observes that the Government is still studying the matter and awaits a progress report.

Unique Taxation System for the Media

Q. (viii) Your previous Committee recommended that while the Government could tax a newspaper like any other business, it needed to tax them uniquely as this would address the issue of import duties as most of the inputs in the newspaper industry had to be imported.

In the Action-Taken Report, the Government responded that it acknowledged the unfavourable tax regime applied towards key production inputs in the media industry and thus was studying how best this could be addressed.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government is still studying the matter. In this regard, your Committee awaits a progress report.

Publication of Vernacular Newspapers

Q. (x) Your previous Committee recommended that newspapers needed to be encouraged to introduce vernacular publications to cater for the population that could not read English.

The Executive responded that the Government encouraged print media, particularly public ones, to introduce vernacular publications. However, the current financial difficulty being faced by these institutions had proved to be a challenge. In view of this, Government was looking at avenues of increasing the capacity of ZANIS to produce vernacular newspapers. Further, Government anticipated that this matter shall be considered thoroughly during the review of the 1996 Information and Media Policy.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government is still looking at the matter which shall be considered during the review of the 1996 Information Media Policy. In this regard, your Committee awaits a progress report.

Limited Coverage

Q. (xi) Your previous Committee recommended that the rules that restricted private broadcast media from having wider coverage should be done away with.

In response, your Government said that it was in the process of liberalising the airwaves to address the issue of wider coverage.

Committee's Observation and Recommendation

In noting the submission, your Committee observes that the airwaves have not yet been liberalised. Your Committee, therefore, awaits a progress report and urges the Executive to relax the rules on coverage of the media.

Tax on Broadcasting Equipment

Q. (xii) Your previous Committee recommended that incentives for the broadcasting sector should be considered and Government should reduce taxes on newspaper production so that duty on equipment and inputs such as printing presses, newsprint, ink and printing plates should be removed or reduced to improve the sustainability of the print media.

In the Action-Taken Report, the Government responded that as earlier stated, it was committed to growing both electronic and print media. In this regard, the Ministry was consulting with media institutions with a view to identifying the inputs that could be recommended for tax exemption or concession.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government is still consulting media institutions on the matter. In this regard, your Committee awaits a progress report.

Professional Conduct by the Public Media

Q. (xiii) Your previous Committee recommended that media institutions that get subventions should ensure that they work professionally.

In response, the Executive said that the Government appreciated this concern and since taking office, the PF Government had made changes in the management of public media institutions and instructions have been given as such for public media institutions to operate professionally.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government had made verbal assurances but requested that should be put in place a clear policy. In this regard, your Committee awaits further action from the Government.

Power Outages

Q. (i) Your Committee had recommended that ZESCO should improve its power supply in Luapula Province in order to curb power outages.

In the Action-Taken Report, the Government responded that ZESCO was aware of the current outages in the province and clients were negatively affected. To address this problem, the Corporation had embarked on installing capacitor banks at designated substation to boost the voltage thus improve the low voltages being experienced in the province during the peak periods as well as mitigate load shedding. This project was on-going and was expected to be completed by end of December 2011.

However, the long term solution that was in the offing was the construction of a 330 kilovolt line into Kasama which would then feed into the existing 66KV network. This project was expected to begin early 2012 and will run up to 2014. The expansion of generation capacities at Kafue Gorge and Kariba North Bank would ultimately mitigate the power shortfall and thus load shedding activities in the province in particular would reduce or be eliminated altogether. The plans to increase generation capacity and rehabilitation of Musonda Falls Power Station from 5Mega Watts to 10Mega Watts have also reached an advanced stage and this project would undoubtedly provide some relief to the national grid and serve as alternative supply to Mansa.

On the other hand, ZESCO was enhancing protection on the network whereby faults on the network could be localised and isolated as opposed to where a fault in one area affects a large portion of the network.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that this is an ongoing project and awaits a progress report.

FM Transmitters

Q. (ii) Your Committee had recommended that the Government, through ZNBC, should install FM transmitters countrywide to improve radio signals.

In response, the Executive stated that ZNBC was currently working on this under the rural FM Programme. The Ministry had been supporting ZNBC financially to enable the institution purchase FM transmitting equipment. As at September, 2011, the Ministry had given ZNBC a total amount of K3, 992,398,502 for the procurement of FM transmitters. The initial plan by the Corporation was to roll out FM Transmission to 45 new sites, but due to the inadequate budget at the Ministry, and Corporation only 20 sites have been earmarked for installation of Radio 1 and 2 transmitters thereby delaying the implementation of the other 25 sites.

Committee's Observations and Recommendations

Your Committee observes that the Government is still working on this Programme because of inadequate funds as only 20 sites were earmarked for installations. Your Committee awaits a progress report.

TV Levy

Q. (ii) Your previous Committee had recommended that the Government should take cognisance of the widely spread dissatisfaction against payment of the TV Levy.

In the Action-Taken Report, the Executive said that this matter was noted and the national broadcaster was seriously looking at ways of ensuring that the viewers were satisfied. The Corporation was aware of the increasing down time of some of the television transmitting sites, hence the complaints on the relevance of TV levy. The Corporation had in response to the complaints embarked on a project to replace at least 10 low power transmitters with new digital ready transmitters. In addition, with the coining of the digital platform, the performance and reliability of television service would be highly dependable. It was to this effect that the Ministry under the Electronic Media Promotion - Digital Migration Programme in the 2012 budget had allocated K15.7 billion for digital television transmitters.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government has not fully implemented the digital migration process. In this regard, your Committee awaits a progress report.

Provision of Information on Islands

Q. (v) Your previous Committee recommended that the Government finds ways and means of providing information to the people on the islands in the Province.

In response, the Government said the Ministry had allocated funds in the 2012 Budget for the procurement of three suitable marine transports which would be used to deliver newspapers and other information materials to the islands. Government was further working towards improved broadcasting coverage on the islands which should be achieved through digital migration by the year 2013.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the digital migration process is still underway. Therefore, your Committee awaits a progress report.

Monitoring of Broadcasting Equipment

Q. (vi) Your previous Committee said the Government should monitor and assess broadcasting equipment countrywide in order to avoid disruption of information during news time.

In the Action-Taken Report, the Government responded that this was currently being done. The biggest challenge the Government was facing was the cost of purchasing and maintaining the equipment.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government is still working on the equipment and resolves to wait for a progress report.

Parliament Radio

Q. (vii) Your previous Committee recommended that the Government should ensure that Parliament Radio was accessible countrywide.

In the Action-Taken Report, the Executive responded that the Government attached great importance to the role Parliament Radio played in informing the nation and had already mapped the phase three expansion project which would cover the whole country. However, the greatest challenge to this project was funding and thus the PF Government was committed to working on modalities of securing funds for this project.

Committee's Observations and Recommendations

Your Committee observes that the Government is still securing funds for this project. In this regard, your Committee awaits a progress report.

CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE COMMITTEE'S SECOND REPORT FOR THE FOURTH SESSION OF THE TENTH NATIONAL ASSEMBLY

Subsidising Set Top Boxes

Q. (i) Your previous Committee recommended that the Government should consider subsidising or waiving import duty on these Set Top Boxes in order to make them accessible by all peri-urban and rural communities.

In response, the Government said the Digital Migration Task Force under its terms of reference was working on best options of addressing the cost of set-top boxes to make them accessible to all.

Committees' Observation and Recommendations

Your Committee observes that the Government is still studying the options and awaits a progress report.

Awareness Campaigns

Q. (ii) Your previous Committee recommended that the Task Force should start vigorous awareness campaigns in order to sensitise the public about the digital migration process.

In the Action-Taken Report, the Task Force responded that it was working on the campaign programmes and would commence implementation once finalised within the first quarter of the year 2012. The Ministry had allocated funds for this programme in the 2012 budget.

Committee's Observations and Recommendations

In noting the submission, your Committee awaits a progress report.

Media Law Reforms

Q. (iii) Your previous Committee recommended that the Government should attach great importance to media law reforms as an on-going process and also take into consideration the changing media environment globally to ensure that an appropriate legal framework was put in place.

In the Action-Taken Report, the Government through the Ministry of Information, Broadcasting and Tourism had been reviewing media laws and policies. This was done so that the country was in line with the changing media environment globally. The Ministry had begun revising several media laws and policies to make them conform to the needs of the media industry. Currently, the Ministry has initiated the process of repealing the *Printed Publications Act* and *Theatre and Cinematography Exhibition Act* Cap. 158. In addition, the Ministry in consultation with stakeholders had drafted the first ever National Film Policy whereas the Information and Media Policy of 1996 is under review. The Ministry has further planned to prepare the National Broadcasting Policy in the year 2012.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Information and Media Policy of 1996 was still under review and awaits a progress report.

Protection of Consumers

Q. (iv) Your previous Committee recommended that the Government should develop a policy that would protect the interests of the consumers through the Consumer Protection Association and Zambia Bureau of Standards.

In response, the Government through the Ministry of Commerce, Trade and Industry has developed a Competition and Consumer Protection Policy which has already been approved by Cabinet and awaits the Official launch by the Hon Minister. In addition to this, the Government had in place the National Quality Policy for the period 2011 to 2015 and the implementation plan for this policy had already been developed.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government has not yet launched the Consumer Protection Policy. In this regard, your Committee resolved to wait a progress report on the matter.

Management of Electronic Waste

Q. (v) Your previous Committee recommended that the Government should formulate a law that would prohibit using Zambia as a dumping site especially by developed countries and that it should also involve the Environmental Council of Zambia (ECZ) the forerunner to Zambia Environmental Management Agency (ZEMA) and other stakeholders to ensure that there was proper management of electronic waste in the country.

In response, the Executive said waste electrical and electronic equipment, commonly referred to as e-waste, contain both valuable as well as harmful materials, which require special handling and recycling methods.

ZEMA operates under the *Environmental Management Act* of 2011. The Act provides for the management of hazardous waste in Zambia. Generation, storage, transportation up to disposal is regulated under the Hazardous Waste Management Regulations of 2001. The importation of hazardous waste, including e-waste is banned. However, this piece of legislation regulates waste and not near end of life or end of life equipment as most electronic products imported into the country are.

Therefore, importation of second hand electronic equipment was not regulated under the Environmental Management Act of 2011. This gap had been noted and a draft legislation dealing with Extended Producer Responsibility (EPR) had been proposed that would regulate products with a likely negative impact on the environment and human health before they become waste. Examples were plastics, glass and used hydrocarbon oil. EPR was recognised internationally as a sound means of involving producers in the management of their products post the consumer stage. The regulation would specify, for example, the minimum year of manufacture of electronic products to be imported, the requirement for full functionality test and packaging standards. This will thus avoid the country from being used as a dumping ground for electronic goods.

Another challenge that Zambia faces as a nation was that, presently it had very few hazardous waste disposal facilities and do not have engineered hazardous waste landfill. Most of the e-waste was thus either leach out in the ground water or burnt emitting airborne toxic chemicals such as furans, dioxins polycyclic aromatic hydrocarbons and heavy metals.

These have serious negative impact on health and the environment. To address this concern, in 2008, the then Environmental Council of Zambia commenced countrywide stakeholder consultative meetings on the management of various streams of waste in Zambia. The said consultative meetings have since been concluded and have identified Waste Electronic and Electrical Equipment (WEEE) as a priority waste stream requiring urgent environmental management with minimal impacts on the socioeconomics of the country.

In 2009, ZEMA identified various institutions as key stakeholders in the management of e-waste in Zambia. The following were the members of the Technical Working Group on the Development of Technical Guidelines on WEEE Management for Zambia.

1. Zamtel (Cell Z)
2. Airtel Zambia
3. MTN Zambia
4. Zambia Information and Communications Technology Authority
5. Zambia Consumer Association
6. Ministry of Local Government and Housing
7. Ministry of Information, Broadcasting and Labour
8. Ministry of Finance and National Planning
9. Ministry of Mines, Energy and Water Development
10. Ministry of Education, Science and Vocational Training
11. University of Zambia (School of Natural Sciences)
12. Zambia Bureau of Standards
13. Zambia Police-Interpol

Since inception, the working group has held three meetings. A reference document from Nigeria was obtained and was used as the basis for discussion in the said meetings. However, at the same time, the United Nations Environment Program under the Basel Convention Secretariat set up a committee of experts to develop technical guidelines for the management of e-waste in 2009 for the Basel Convention. Zambia became a member in 2011 and was represented at this working group by ZEMA. It was in this regard that the continued sitting of the Zambian working group on e-waste and its aim of developing a technical guideline on e-waste was suspended in January 2011.

The various guidelines on e-waste management were adopted at the recently held Conference of Parties (COP 10) to the Basel Convention held in Cartagena, Colombia, in October 2011. Zambia was represented at this meeting. The country was thus ready to reconvene the meetings of the working group on e-waste and the domestication of these guidelines and the dissemination of legislation to regulate e-waste. It was expected that in 2012, regulations on e-waste and subsidiary technical guidelines would have been finalised. The importation of e-waste would thus be addressed.

Committees Observations and Recommendations

In noting the submission, your Committee observes that the Government is still working on the legislation and domestication of the guidelines. In this regard, your Committee awaits a progress report.

Carrier of Carriers

Q. Your previous Committee requested the Task Force to recommend to the Government on who is going to be the carrier of carriers taking into account the number of networks and multiple operators.

In the Action-Taken Report, the Digital Migration Task Force under its terms of reference was addressing the issue. The task force would make a recommendation for Cabinet approval.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Task Force has not yet made a recommendation to Cabinet for approval. In this regard, your Committee awaits a progress report.

Provision of Unlimited Coverage Area

Q. (vi) Your previous Committee observed that since the digital system would open the airwaves, the Government should allow media houses to broadcast countrywide because restricting coverage for commercial broadcasters would work against technological advancement in disseminating information.

In response the Government said the Committee's observations were very well noted. As earlier advised, the Government was actively attending to these concerns. Government was committed to ensuring that the issue was attended to even before the 2013 target for digital migration.

Committee's Observations and Recommendations

In noting the submission, your Committee observes that the Government is still studying the matter and awaits a progress report.

Funding for ZANIS

Your previous Committee suggested that ZANIS should adequately be funded to enable it go in rural places to educate the masses about the migration.

In response, the Executive stated that this matter was appreciated and Government would use a number of means to ensure that there was proper awareness on digital migration and ZANIS would be one of the institutions to be used in this process.

Committee's Observations and Recommendations

In noting the submission, your Committee awaits a progress report showing that ZANIS is adequately funded and was now participating in the digital migration sensitization process.

Media Self Regulation Body

Q. Your previous Committee was disappointed that despite media houses having come up with a self regulatory body, the Government did not appear to be on board. In this regard, your Committee urged the Government to heed what has been proposed and to leave media regulation to the media.

In response, the Government stated that was still fully committed to ensuring that there was a conducive environment under which the media could operate. Hence, consultations on this matter have reached an advanced stage between Government and the various stakeholders.

Committee's Observations and Recommendations

14.0 Your Committee observes that the Government is still consulting on this matter hence its resolve to wait for a progress report.

Conclusion

15.0 Your Committee wishes to express its indebtedness to you, Mr Speaker, for the guidance rendered to it during the Session. It further wishes to express its gratitude to the Permanent Secretary, Ministry of Information, Broadcasting and Labour and other stakeholders for the cooperation and input into the deliberations.

Lastly, your Committee wishes to extend its appreciation to the Clerk of the National Assembly and her staff for the invaluable support and services rendered to your Committee during its deliberations.

K J Pande, MP
CHAIRPERSON

June 2012
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