

The Law of Defamation and Freedom of the Press
a comparative study with Political Control

study with political control be

accepted for examination. I have

checked it and I am satisfied that it
BY

fulfills the requirement relating to
PETER HALWELE RHONEX CHALWA

the format as laid down in the

regulations governing obligatory
L. 0411 OBLIGATORY ESSAY

Essays

Submitted in partial fulfilment

of the Examination Requirements

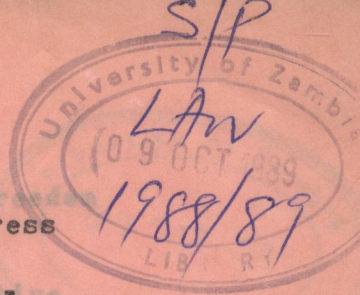
for the degree of Bachelor of Supervisor

Laws of the University of Zambia.

(i) The Role of the Press in
action building

(ii) The Freedom of the

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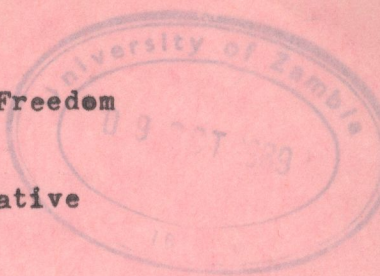
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Essays

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Date.....12th July, 1989

.....*Et Nya*

A. The freedom of the Press
meaning and definition thereof Supervisor

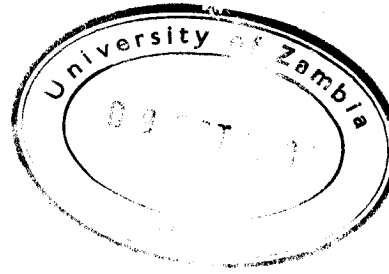
B. (i) The Role of the Press in
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Dedication

This paper is dedicated to my families for their patience and understanding during my studies and preparation of this Paper. My little available time was always shared between my studies and many problems of the family.

Special mention should be made of the following People. My Mother for her love and encouragement. My wife whose dedication, love, and encouragement made it possible to keeping on studying despite many problems in daily life. My young brother Henry and his family for his financial support during my studies. My daughter Mrs. Grace Mwanza for her typing services. I love you!

Acknowledgement

My sincere thanks to Luke Muleya whose supervision advice and suggestions have been treamandously helpful. I shall be indebled to my friends, My thanks also go to my daugther Mrs. Grace Mwanza for her typing services.

Times of Zambia staff for their help in granting me an interview and for providing me the research facilities. The Ministry of Information and Broadcasting Services who enabled me to do a research at the Ministry. Help of such People like Mr. Lyempe is acknowledged. Many thanks to all those people whose articles were used in preparations of this paper.

Abstract

"The Newspaper and Society"

"Out of all material of the Philosophers discussion, surely there comes nothing more valuable than the full realisation that we are born for justice and that right is based not upon man's opinions but upon nature. This fact will immediately be plain if you once get a clear conception of man's fellowship and union with his fellowman for no single thing is so like another, so exactly its counter part, as all of us are to one another. Why bad habits and false beliefs did not twist the weaker minds and turn them in whatever direction they are directed no one would be so like his own self as all men would be like others"

Cicero Republic

From Press and Politics - South Africa by
Morris

Bronghton. This quotation is about the power of the Press to influence events and why the concept of Press freedom is an important one.

INTRODUCTION

The Freedom of the Press in Zambia is guaranteed under the country's Constitution. Part III Articles 13 - 27 of the Constitution deals with the rights and freedoms of individuals and Article 22 (1) 2(a) (b) and (c) deals specifically with the Freedom of expression under which the freedom of the Press is guaranteed.

The guaranting of the Press Freedom under the constitution is a testimony of the importance government attaches to the concept of Press Freedom. A question however arises whether the Press enjoy the Freedom of expression as portrayed under the constitution. It is this question that this Essay addresses itself to.

This paper is a comparative study of the Law of Defamation as portrayed in Cap. 70 of the Laws with "Political Control" of the Press Freedom in Zambia and how various security Laws e.g. Cap. 106 The Preservation of Public Security affect it.

In discussing the Press Freedom, it should be remembered that although this Freedom is guaranteed under the country's constitution it is not absolute, but is subject to limitations contained in Article 4 of the constitution and provisions dealing with the Protection of fundamental rights and freedoms of individuals. The limitations are designed to ensure that the enjoyment of the said rights and freedoms by individuals do not prejudice the rights and freedoms of others or public interest.

In many developing countries although the Press Freedom is guaranteed under the country's constitutions, Government policies appear to be contrary with such provisions. Specific Press Laws are passed that are repressive of Press Freedom. Where no such laws are enacted, Government invoke other measures that restrict the Press Freedom. Government apply various security Laws to curtail Press Freedom. Under various security Laws adequate provisions to restrict the freedom of the press exist. Journalist may be jailed or lose their jobs. The celebrated case of such incident in Zambia happened in 1973 when Bill Saidi the Times of Zambia News Editor was fired from his post on the grounds that his activities on the paper were incompatible with Government Policies, Government may also use laws under chapter 265 (Printed Publications) chapter 53 and 253 contempt of court and Broadcasting Services respectively. The existence of various Laws under which Government may restrict Press Freedom illustrates the point which is subject of this paper to show that it ^{is} ~~not~~ so much the Laws of Defamation that are a constraint on Press Freedom but the fear by journalist of Political reprisals which this study attempts to highlight.

This paper is narrative and comparative in form and in its extensive discussion of the factors that contribute to the curtailment of the Press Freedom in this country. The study highlights the fact that

lack of Press Freedom is not exclusively due to the fear of the Laws of Defamation as alleged by journalist but the fear of political reprisals and political intimidation from Government machinery and also other factors which are common to most third world countries.

The first chapter defines and discusses the concept of the Freedom of the Press. It also discusses the role of the Press in National building and its limitations. Chapter II contrasts the Law of defamation and "Political Controls" as two factors that curtail the freedom of the Press. Chapter III examines the role of non Printing media, Radio, Television and Cinema as instruments of news dissemination and how these are also affected by the Law of Defamation and Political Control.

Chapter IV looks at the Press Freedom and Responsibility, the Problems of Establishment, Growth and Survival. It goes on to examine the prospects of the Press in Zambia and in other third world countries generally. Finally Chapter V is an evaluation of the concept of the Press Freedom some recommendations and conclusion.

CHAPTER I

The Freedom of the Press meaning and definition thereof.

The Concept of the Freedom of the Press has its origins in the 19th Century when freedom of the Press to criticise Government was first considered. In case of Woodfall and Others V the King the publication of letters of Junius between 1769 - 1771 contained trendant criticism of the government of the day. These letters were signed Junius. That was a Pseudem. The writer used to conceal his indentity.

The letters were published by Henry Woodfall in the weekly Public Advertiser. They were also reprinted in London Evening post, the Henden Museum and other pericolicals. The letters were immensely popular due to condemminations which Junius peured on the unpopalor and misguided government of the day. But Ministers were furious since those days any criticism in the Press of the King or his Ministers was considered to be a seditious libel(1) a threat to government and publishable by imprisonment. The judges took the same view and were determined to keep it in their own hands.

The use of jury in such trials become a constitutional issue. Whether the power to decide such questions lie with the jury or the judges. The judges wanted the matters decided by them but Lord Camden the consul for the defendents urged that the matter be decided by the people of England as presented by the jury.

The three Publishers were eventually acquitted and this led to introduction of the preceedings to enquire into the judges at the Westminister Hall particulary in cases relating to the Liberty of the Press which finally ended in passing of the Fox's libel Act of 1792 which marked the victory for the Freedom of the Press. This long fight was led by Lord Camden who is also accredited for successful passing of the Fox Libel Act of 1792.

The above historical account gives a birds eye view of how the concept of the Freedom of the Press started.

In the modern times no government admits that they are hostile to the idea of the Freedom of the Press and a large number go as far as guaranting this freedom in their respective constitutions.

The concept of Freedom of the Press means different things to different people. This was illustrated by response given by two participants from Africa at a seminar of Journalists held in Strasbourg, Germany. To a young journalist the freedom of the Press was not a question of the right to dissent but of obligation to contribute. Representing a different view was the Director of an International Professional Organisation Championing the cause of freedom who said:

"Prisons were crowded with
courageous journalists who were
not prepared to accept dictation
as to what they may or may not
Print .

The two responses reveal that both men looked at this concept in Political terms rather than in relations to the Law of Defamation. The two view points are a typical of the diversity of opinion on a question fundamental to the Character of the Press in most developing countries including Zambia.

DEFINITION OF THE FREEDOM OF THE PRESS BY WORLD LEADERS.

The definition of 'Freedom of the Press' by a number of Statesmen around the world support the view that the concept of freedom of the Press is conceived more in political terms than in relation to the Law of Defamation. Most countries have laws that curtail press

freedom and the extent to which the Press is controlled depend on the political ideologies of these countries which differ from country to country.

In Zambia press freedom should be considered in relation to the country's Constitution chapter 1 of the Laws that provides under Sections 13 - 27 the fundamental rights and freedoms of individuals. It is within this CONSTITUTIONAL context that the press freedom should be understood. The Press should have the freedom to carry out its functions and objectives without undue interference from Government. One Zambian writer stating what the Freedom of the Press meant said

"the Freedom of Press clearly means newsmen should decide what they should or should not publish". (2)

A press where journalists have surrendered the right to decide what to write to some other people outside their profession is not free. It is controlled. Writing about the freedom of the Press when laying down the principals of the press freedom and independence - the concept of the 'Fourth Estate' as the Press is understood in developed countries of the West to day.

West to day

Dalane said,

"the Press is bound to tell the truth as we find it without fear of consequences, to lend no convenient shelter to acts of injustice and oppression, but to consign them at once to the judgement of the World".(3)

10 The mottoes of our two Zambian daily Newspapers are also meant to exert the press freedom. For instance the Zambia Daily Mail Motto is "We serve the National without fear or Favour". The question however, is whether these mottoes are adhered to. Zambia Daily Mail has at one time been dubbed " a Government Gazette" which means the Paper only carry news of Government activities hence the analogy to Government Gazette. The Times of Zambia Motto is "Forward with the Nation motto that exert the paper to always move forward with the nation's development. The Times Newspaper of London defines the freedom of the press in the following terms

"The purposes and duties of the Press and Government are constantly separate, generally independent, sometimes diametrically opposed. The dignity of the Press and Freedom of the Press are trammelled from the moment it accepts an ancillary position".(5)

The Times Newspaper motto to move forward with the nation appear to be realised by sowing^{er} circulation figures of the paper since 1978. From which circulation figures are available.

These circulation figures show that the Times is ahead of Zambia Daily Mail because of Zambia Daily Mail's image of being a Government Gazetted (Press) is taken to mean that the duty of the as leaders once dubbed it. Press is to be on guard against the abuse of power by the Government. It is this concept Circulation figures for the Newspapers of press freedom which is closely linked to

Times of Zambia 1968-1982	Zambia Daily Mail 1968-1970
<hr/>	
1968-1970.....	1968-1970.....
1971.....	1971.....
1972.....	1972.....
1973.....	1973.....
1974.....	1974.....
1975.....	1975.....
1976.....	1976.....
1977.....	1977.....
1978.....	1978.....
1979.....	1979.....
1980.....	1980.....
1981.....	1981.....
1982.....	1982.....

Source: The Press in Zambia P. 110
During a Seminar at Strasbourg in Germany the correspondent of Pravda declared that:

"As far as, we are concerned the Press is really free and democratic only when it is edited by the people themselves represented by those various mass organisation". (7)

CRITICAL ROLE OF THE PRESS

11

In the West, the critical role of the (Press) is taken to mean that the duty of the Press is to be on guard against the abuse of power by the Government. It is this concept of press freedom which is closely linked to the functioning of Western Party democracies. Article 19 of Declaration of Human Rights, adopted by the General Assembly of the United Nations on 10th December, 1948 states:-

"Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinion without interference and to seek and receive and import information and ideas through any media and regardless of frontiers".(6)

No Government amongst, those who were represented at this historic conference dissented from this declaration.

12

The foregoing is about the discussion of the freedom of the press as it is understood from the Western countries point of view. The Eastern block countries understand this concept differently. During a Seminar at Strasbourg in Germany the correspondent of Pravda declared that:

"As far as, we are concerned the Press is really free and democratic only when it is edited by the people themselves represented by those various mass organisation". (7)

Lenin on the other hand said

"The freedom of the press
is a delusion so long as
Capitalist Comander
the better printing
establishments and the
largest stores of paper
and capital retains its
power over the Press".

Lenin it appears conceived of the press
freedom more in economic and political
terms.

It is pointed out that defamation cases
were these have been reported have been
a result of litigations arising from political
report of Press Conferences in CHIPIMO Vs
Zambia Publishing Company. (8)

the case of defamation that were brought
against both the paper and ZPC
arose out of the press conference
addressed by the President.

Definition of freedom of the Press

In defining what the freedom of the Press
meant the Late Prime Minister of India Pandit
Neru said "The freedom of the Press is not
just a slogan.....It is an essential
attribute of the democratic process. I have no
doubt that even if the government dislikes the
liberties taken by the Press and considers
them dangerous, it is wrong to interfere with
the freedom of the press. By imposing
restrictions you do not change anything. You
merely suppress thoughts underlining them to
spread further. Therefore I would rather have
completely free Press with all the dangers that
arise from wrong use of that freedom than have
suppressed or regulated Press". (9).

Writing on a different occasion for different
audience and under different circumstances, the
Late John F. Kennedy the 35th President of the
United States of America said:

"The main function of the Press is to arouse, reflect, state our crisis, our choices, to lead, educate and sometimes even anger Public opinion. It is therefore clear that Newspapers are the most effective means of disseminating both news and information to the masses"(10)

In this role the Press is constrained more by political factors which arise from a multiplicity of motives than from the fear by journalist of libel or slander cases arising from the Law of defamation in news coverage. These motives may be vindictive or fear intricably inter woven with the social fabric and political affairs of the country. The Press is a social institution and its function and character is reflected by the political, economic and social structure of the country.

The Law of Defamation, largely depend on the level of Education of the people that is whether or not the people are sufficiently educated to know when they are defamed so that they can bring such cases to court.

.14

The concept of freedom of the Press is a tale of challenges, emergencies, and adjustments, and attempted fresh starts. Through the years, the concept has maintained a remarkable vitality as a basic cultural value, especially in those countries whose historical perspectives and institutions were cast in the mould of seventeenth and eighteenth Century liberalism. But today its

vitality is being sapped by destructive influences more powerful and insidious than any in the past. As times go on, it becomes increasingly evident that the revolution in life and thought of the past has precipitously undermined, the spirit of Classical Liberalism in which the concept was originally grounded. In short, it is a concept in crises, and badly in need of new grounding in philosophic categories more suitable to the Twentieth Century.

The freedom of the Press is not therefore absolute its value lies in the role the press play in nation building.

15 Believing as it is done that the predicament of the concept is symptomatic of fundamental changes in Western Perspectives and Institutions, of Classical Liberalism which underlies the traditional concept: Second to identify some of the historical forces which have contributed to the Subversion of that philosophy: Third to describe certain aspects of the ongoing mutation of the concept; Fourth, to propound some implications of its new definition and status; and to suggest what seems necessary to repair the concept as a basic liberal value..... Freedom of the Press far from being a vehicle for the exposition of individual ideas and opinions, for the expression of individual will and interest, for the imposition of individual values and prescriptions upon the cultural order, is increasingly becoming means for implementing the Sophistries of modern

political management, the manipulation of
electorates the cynical procuring of plebiscites,
and manipulating of valuable public opinion.

16

If the concept of freedom of the Press is not
grounded in the self but in the collectivity,
if the individual right of free expression is
not some how safeguarded from the tyranny of
collective opinion, the traditional right of
freedom of the Press becomes merely permissive
and conditional upon its exercise in what is
claimed^{to} be collective interest. The historical
liberal values, and the welfare progress of
self and humanity, will surely^{be} lost.

17

What is most urgently required for the
habitation of concept of the freedom of the
press is new metaphysics - a metaphysics that will
restore what positivism, Romanticism, Collectivism
and other derivative^sims have lately destroyed:
an image of the self and culturally existentially
related to an objective order of values. For
only then can the concept of the freedom of the
press, like that of human freedom in general, be
grounded in a structure of philosophic categori^{es}~~ies~~
capable of ensuring the freedom of self, public
communication, and of public opinion.

18 This concept of the Press Freedom was first propounded by J.W. Hansen Head of Journalism Department at the University of Illinois in USA. The concept of Press Freedom as first decided by the case of Woodfall and others V the King which was later passed into an Act of Parliament in the Fox Libel Act of 1792 still stand as varied to day as impliedly shown by various definitions of what the concept meant.

A number of cases such as these of A. Phiri V the People Nyalungwe and Mbuzi V the People. Phire was Zana Reporter and other two Times of Zambia reporter and Chief Editor. what was on test is the concept of the freedom of the press that was first decided in the case of Woodfall and others V the King in 1792.

/13.....

FOOT NOTES.

Chapter 1 B Foot notes.

1. Lord Denning, Remarkable Cases in Law
2. Somerland E.L. The Press in developing countries (Sidney University Press)
Melbourne, 1966 P. 139
3. Francis Kasoma, The Press in Zambia
Multimedia Publication, Government
Printer - Lusaka 1986
4. Rosaynde Ainslie, Press in Africa Communication;
past and present, Victor Gellancz Limited
London (1966) P. 213
5. Source for circulation figures 1968 - 82
for both Papers: The Press in Zambia P. 110
6. Rosaynde Ainslie, The Press in Africa, Communication
past and present, London, Victor Gellancz Ltd
1966.
7. Sommerland E.L. The Press in developing
countries (Sidney University Press)
Melbourne, 1966 P. 140
8. 1 bid P. 140
9. Chipimo V Zambia Daily and Zambia Publishing
Co. 1968
10. Sommerland E.L. The Press in developing countries
Sydney University Press Melbourne 1966
11. The Press lives by disclosures A.L. Kirchner
12. Social Responsibility of the Press College of
journalism Marquette University at P. 75

CHAPTER I

(B) (i) THE ROLE OF THE PRESS IN NATION BUILDING

The Role of the Press is to act as a tool for the country's development. In this role, the Press collects and disseminates information and news about the country's social, economic and political life.

The Press acts as mirror of society. In this role the Press investigates and exposes scandals and their perpetuators. It watches over Government and ensures that the Government is accountable to people. The Press is also used as a political tool that Government uses to mobilise masses in support of various Governmental Programmes, such as educational schemes, health campaigns, agricultural works and a lot more Government activities.

The Press arouses peoples' awareness and helps to shape public opinion towards various policies. In this role the Press should not only reflect the Zambian society as it is, but must also explain certain historical events that explain the past and help to shape the future policies. The press plays an advisory role. It advises Government on various issues. It also reports on various national matters and by its critical comments help to shape policy in the right direction. The Press is known to be a king maker and destroyer. Press exposures have led to resignations of Head of States and Governments in many countries.

Press revelations led to 1974 resignation of President Nixon of USA, Willy Brant of West Germany, the 1989 mass Resignation of Cabinet Ministers near home in Zimbabwe and the recent resignation of Japanese Prime Minister are all examples of the role the Press plays in exposing scandals and help to build a clean society.

The Press can only live up to its name of King maker or destroyer where it enjoys the freedom of speech. In Zambia this Freedom is acknowledged by both the Party and its Government. Leaders have from time to time called for free press in order to effectively participate in nation building. The speaker of the National Assembly Dr. Robinson Nabyato once defended the role of free press in the following terms:-

"I strongly support Press Freedom in one party state participatory democracy and I appeal to members of Parliament to avoid being over sensitive to newspaper revelations. The press in Zambia is free to comment probe or advise on any issue affecting the well being of the nation. Press reports do not only give mere factual information but it ~~is~~ evaluates it. Through the press public acquire knowledge about their environment including work of parliament." (1)

It is in the role of mass mobilisation that the press has played an effective part in building the nation by participating in a number of major campaigns mounted by Government.

The 1969 Referendum Campaign: This was a campaign of major significance to government since it gave power to government to remove the entrenched provisions of the constitution.

The UDI Campaign of 1965. The press mobilised support for government to beat economic sanctions declared against Zambia by Rhodesia at ^{the} time.

The Press has also actively participated in all election campaigns since Independence in 1964. Government successes in all these campaigns have been due to Press participation. However, there is still room for the Press to improve on its news coverage. The failure of the Press to give effective publicity to the "Bill of Succession" recently passed by Parliament is but one example given for Press shortcomings that should be improved upon. The "Bill of Succession" is one Legislation that people in the whole country need to know about, hence its significance and need for wide publicity.

(ii) The Freedom of the Press and its Limitation:

The Freedom of the Press in Zambia is something journalist and other writers should not moan about. Sections 13 - 27 of the Constitution of Zambia protects fundamental rights and Freedom of the individual and it is under this Section that the Freedom of the Press is guaranteed. Article 22 of the Constitution specifically deals with the freedom of speech and expression and states that:-

- (1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinion without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from their interferences with his correspondence;
- (2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in controvention of this article to the extent that it is shown that the law in question makes Provision:-
- (a) that is reasonably required in the interests of defence, public safety, public order, public mentality or public health, or
 - (b) that is reasonably required for the purpose of protecting the reputations, rights and freedom of other persons, or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating educational institutions in the interests of persons receive instruction there in or regulating the technical administration or the technical cooperation of telegraphy, telephony, posts, wireless broadcasting or televisions; or

(c) that imposes restriction upon public officers; and except so far as that Provision or as the case may be, the thing done under the authority there-of is shown not to be reasonably justifiable in a democratic society.

The Limitation of Press Freedom

The limitation of Press Freedom is not only due to Article 4 of the Constitution. Government could as shown below use economic sanctions against the papers that do not support Government Policies or which are in government view, critical of Government policies. Government could also withhold various Licences, stop advertising from Parastatals, etc. Government would still invoke a number of other measures that could limit the Freedom of the Press. Chapters 106, 70, 265, 53, 17 and 146 could all be used to limit the ~~from~~^{own} of the press. Measures were also contained in the draft Press Council Bill that was due to be introduced in Parliament in 1980. If the repressive draft Bill had been passed into Law; it would have made newsmen and newspapers work through party-dominated Press Council. That would have marked the end of Press Freedom in Zambia.(2) This shows that the limitation of Press Freedom can be achieved through the above measures.

Government also limit the Press Freedom through political influence yielded through the appointment of the Chief Editors of the two Newspapers. Chief Editors of the two papers are answerable to Government as the appointing Authorities and are therefore subject to influence of Government. The Government hope to influence the policies of these papers through Chief Editors.

/19...

FOOTNOTES ON CHAPTER 1 B

1. Times of Zambia 2nd February, 1989.
2. Article 22 of the constitution of
Zambia Government Printer -
Lusaka
3. Francis P. Kasoma The Press in Zambia
Multi Media Publication 1986
4. Northern News 20th May 1965, P. 1

CHAPTER 2

The Law of Defamation and Freedom of the Press

The Law of Defamation is one law that members of the general public, writers, advocates and journalist are all agreed need to be changed to give writers more freedom in their coverage and presentation of news. However, it is further observed that although there is need to change the law of defamation, there was even more need for political liberalisation of press freedom if the press was to play an effective role in the development of the nation.

Definition of Defamation

Defamation is generally defined as publication of a statement which reflects on a person's reputation and tends to lower him in the estimation of right thinking members of society generally or tends to make them shun or avoid him.

Many writers define defamation simply as a publication of a statement which tends to bring a person "into hatred, contempt or ridicule". But this is not quite exact, for a statement may possibly be defamation even if it does not exert in reasonable people feelings quite so strong as hatred, contempt or ridicule. This definition, however, is defective in that it omits any reference to the alternative of tending to shun or avoid".

This addition is necessary, for falsely imputting insolvency or insanity to a man is unquestionable defamation, although far from tending to excite hatred, contempt or ridicule. This would only arouse pity and sympathy in the minds of reasonable people, who nevertheless, would be inclined to shun him from society.

Slesser L.J. took above view in the case of Youssepeff Vs Metre Goldwyn Meyer pictures Limited (1) where cinematograph film falsely imputed that the plaintiff a Russian Princess, had been raped or seduced by the notorious monk Rasputin, for this tended to make the plaintiff be shunned and avoided and that without any moral discredit on her part".

Similar in the case of Kapwepwe V Attorney General (2) This was the case of appeal, the Attorney General appealed against the amount of assessment of damages by a High court Judge in an action for libel by the respondent. The action related to the publication of allegation of treason and subversion against the respondent from the Broadcasting and Television Stations as a result of press release issued by Government Newsagency. The Appellant had obtained damages earlier against two Newspapers as a result of

publications based on the same press release. No defence was entered and damages were assessed at K30,000 being K10,000 compensatory and K20,000 exemplary damages.

A statement that disparages a man in his reputation in relation to his office, Profession, calling, trade or business may be defamatory, e.g. the imputation of some quality which is essential to the successful carrying his office, trade or his profession, such as want of ability, incompetence and, of course, dishonest or fraudulent conduct. Injurious statement which do not reflect on a person's reputation e.g. that he has ceased to trade are not defamatory but may be actionable if made maliciously.

The law of Defamation on libel or slander as incorporated in Defamation Act Chapter 70 of the Law of Zambia has been criticised by various sections of the Zambian society. Many writers and journalist allege that this law is loaded against the press in favour of individuals who may be subject of press investigations that lead to prosecutions for various offences arising from the press coverage of news stories in its role of Nation Building.

However, evidence appear to support the view held by government who when called upon to institute some changes in this law in favour of the press said

"The Law as it stands at present was in order, the press that called for changes in this law were only calling for a ticket to defame the public". (2)

The critics of the law allege that its effect discourages reporters from investigating a lot of crocket people in society for fear of libel or slander action appear to rely on a number of cases like Times Newspaper Zambia Ltd V Lee Chisule (3)

This was a case of appeal from an assessment of damages by the High Court in which the respondent was awarded the sum of K18,000 as damages for libel. The libel in question appeared in the appellants. Newspaper of 27th February, 1982 under the Heading "Top lawyers in certificate Paser" and alleged that the respondent had not been granted a practising certificate for the year.

It was held:

An appellate court will not interference with the assessment of damages unless the lower court had misapprehended the facts, or misapplied

the Law or where the damages are so high or so low as to be an entirely erroneous estimate of the damages to which a plaintiff is properly entitled.

- (ii) An adequate apology will, in most cases virtually expunge the damages arising out of any defamation. This is even where such apology is tendered late.

fact
In this case the press facts that by bringing a case of libel against it the Law of defamation was curtailing its freedom of the press to report on matters on public interest. The effect of this case is to curtail the freedom of the press in that the press fear these ^Lntingations due to the large amounts involved in damages.

However, investigations reveal that it is the fear of political reprisals from the country's leadership that have adverse effect on the freedom of the press; and not so much the fear of the law of Defamation. Examination of a number of reported cases of defamation show that these arise from reporting of government political activities. In the case of Chipimo V Zambia Daily Mail and ZPC.

The Press Conference that was held at State House to deal among other things the Chipime affair gave rise to an action of Defamation although the main purpose was political. The press conference was an attempt by the state to intimidate Chipime from his political views and also a warning to other leaders in the country who held similar views which were incompatible with government policies. Defamation case was merely a by product. Commenting on the reason why papers are sued for defamation when their reports are about what the Leadership say, the Registrar of the High Court said on the above Chipime affair the Paper was not obliged to report what the President had said. The Paper is free to report or not to report. It appears journalist contradict themselves when they claim freedom of speech means the right of journalist to decide what to publish an argument that means journalist are free to choose what to report even from the President's speech. If this is what it means the press should also be held accountable for what they write from speeches of the President.

Defamation action brought by individual members like Chipimo are in most cases protests against government for denouncing them for their political views.

A classical case that illustrates an assertion that the freedom of the Press is mostly curtailed by Political Control than by the Law of defamation is that of Bonaventure Bweupe Vs the Times Newspapers Zambia Ltd.(4).

In this case the plaintiff was a High Court judge who delivered a ruling in the case heard in an open court to the effect that UNIP Special Constables did not exist in law.

Government recated to this ruling through then Minister of Home Affairs who was responsible for the Special Constables. His reply was published by the second and third defendants. In the Publication of the Ministers reply the second defendant included the Ministers demand for an apology from the plaintiff(judge Bweupe).

This case showed the difficulty the press faces in its role of News dissemination. The press was under an obligation to report about the courts ruling on an issue of public interest, similarly it was under an obligation to report

about the Ministers reaction to the court's ruling. The concept of press freedom however, means that press was not obliged as indicated by the Register of the High Court in Chipine case. However, the issue being a political one the press was under an obligation to publish inspite of the consequences that followed. However, the freedom of the press meant that the press was supposed to have exercised its discretion whether to publish or not. But because of the fear of Political reprisals that were likely to follow non publication it had no choice but to publish.

The plaintiff alleged that the words spoken by the Minister and repeated by the second and third defendants were defamatory of him. The defendants on the other hand argued that the words complained of amounted to fair comment made without malice upon a matter of public interest, namely a ruling delivered by the plaintiff in his capacity as a judge of High Court.

The Press walks a tight rope

It appears in matters arising from Government Press releases the press is divided between two interests. The press is careful not to offend the Government on one hand and the need to exercise its inherent right of choosing what

to publish. The case in which a Cabinet Minister and High Court Judge were involved clearly aroused some interest as to the subsequent courts ruling on the matter.

It was held that

- (a) A demand for an apology from a judge or judicial officer goes beyond the defence of fair comment;
- (b) It is totally improper that a member of Public should take upon himself to call upon any judicial officer acting in the exercise of his judicial function to apologise to him, no matter how wrong that judge or the judicial officer may be.

On the whole, press freedom should not be curtailed by cases of defamation since the press is availed adequate defences under this law. The press may use the defences of

- (1) Justification (2) Fair Comment
- (3) Privilege which maybe (a) absolute of
- (b) qualified.

To the contrary, there are no clearly
laid down defences regarding press
freedom regarding Political Control
which depend entirely on the disposition
of politicians towards the press.

In Zambia the Party is Supreme. This
means that the Party is above all other
Institutions in the country including the
judiciary. The control of the freedom of
press is therefore more effective from those
in the Party who wield such authority than
from the fear^{of} ~~of~~ ligations arising of defamation.

/29....

FREEDOM OF THE PRESS AND POLITICAL CONTROL

The Press in Zambia enjoys the Freedom of speech to the extent that it is written in the country's constitution (1) A number of speeches by various leaders have always emphasised the need for a free press. The President is once quoted as having said the following:

"The Party and its Government attaches great importance to the role of the Press in One participatory democracy. We would therefore not like to muzzle it at all because our participatory democracy ^{without complete} the press (2)

From the National Assembly the speaker advised the members of the House (M.Ps) that,

"Press in Zambia is free to comment, probe, advise on any issue effecting the well being of the Nation. Press Reporting does not stop merely at giving factual information but also evaluates such information so that the public acquire knowledge about their environment including the work of Parliament. Press Publish what they think is news. The Press has a duty to inform the nation on the activities of Parliament" (3)

The meaning of the Press freedom is that the press should be free to select and write about what they think is news without interference from Government or the Party. Any directives on what the press should write about is "Political Control" The "Political Control" takes many forms. It takes

the form of threats Reprisals to the lives of individual reporters and intimidation of all sorts such as loss of jobs etc. Threats to the freedom of the press is due to diametrically held views between the Politicians and the Press. The Politician think they are the people who should decide what the Press should write while journalists on other hand regard it their duty to chose what they should write about and this duty should remain theirs and theirs only.

A classical example of what is regarded as political control happened in 1981 when Party Secretary General then Humprey Mulenmba insisted that he was the one to choose what parts of his speech should be published caused what was referred to as "time-gate" in Kitwe. The Party Chief sent his aids to get a copy of Times story from the Newspaper's Kitwe offices. The aids pulled Chief reporter Kapembwa out of bed and forced him to get, a story from the telex room which, turned out to have nothing objectionable in it and there upon Kapembwa was set free. (4) The paper took great exception to this action and it editorialized; "If Zambia was to remain a free society then it must have a free Press in word and deed". (4) The regarded as Gastapo methods the action by the Secretary General which it said had never been heard of in Zambia.

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In Abidjan, Ivory Coast, West Africa a similar incident took place. There a Minister of Information announced his Ministry had imposed a \$ 1,000 fine on the owner of independent newspaper the "Daily Standard" Newspaper for false and misleading reports based on rumours. To force the paper to pay this fine the Minister threatened to ban the paper until such time that the fine was paid. The paper carried a story about the death of an opposition Party leader in detention who was jailed on 6th August, 1986 in company with a Mr. Jackson Doe of the Liberia Action Party.

This incident clearly shows that Governments in most developing countries apply various methods to curtail the freedom of the Press to report on sensitive political issues.

The Press Freedom in Zambia is subject to three main areas of control Government, Parliament and the Judiciary. Each of these three institutions exert pressure on Press Freedom and it is to the credit of the press that inspite of such controls the press still enjoys some amount of Freedom.(6) Security Laws impose restrictions on press freedom. Cap 106 the Preservation of Public Security is one Law that Government may use to curtail press freedom.

The Press as Censor of Government

2.7

In the role to watch over the activities of Government the press at times finds itself acting against Government. In the case of the Chief Editor of Times of Zambia Naphy Nyalungwe, Mbuze the news reporter V the people the paper was vacaricissly convicted to fines of K500 each or in default 30 days simple imprisonment for publishing false news with intent to cause fear and alarm to the public. The alleged false report was that " a truck load of weapons had been stolen from Arackan Barracks in Lusaka opposite State House.(7) In the trial that followed a Mr. John Jeary likened the Law under which his clients were convicted to that in South Africa which is used to suppress the press. He argued that section 61 of cap 146 (penal code) had no room in a country which took part in free communication. If the Law was repugnant to the ideals of the free communication as enshrined in the Republication Constitution then it was up to the Legislature to repeal it.....(7) This report reveals the weakness of Government to the concept of free press and exprecssion on matters of security nature. In this area Government feels the press freedom is subject to varicus controls. On the other hand the press still feels it enjoys the freedom of expression as long such freedom is balanced between the need ^{of} the freedom of the press to report on such matters and the right of

the people to know and be informed on one hand and the need to preserve peace and order in the country. The prosecution of journalist for publishing false news likely to cause fear and alarm in the minds of the public has the effect of curtailing the freedom of the press. It was also unethical for a journalist to reveal the source of his information. In the case of Nyalungwe and Mbuzi V the People the two refused to reveal the source of their information on which the article about the stealing of the Arms was based. It was argued that doing so would be breaking the code of ethics which journalist worthy of their name are not prepared to break. It is a Constitutional requirement that once a person gives evidence on oath he may be forced to answer questions which could compel them to reveal their source of information. Where any law violates the provisions of the constitution such law becomes null and void since the constitution is the Supremy Law of the country. In that respect Nyalungwe and Mbuzi could not be forced to give evidence on oath against the provision in the constitution.

In the case of Mumba V the People Mumba was charged with a case of corruption under the corrupt practices Act Cap 53 of the Laws. Section 53 (1) of the Act requires a person charged with a criminal offence to give evidence in his defence contrary to Section 20 (7) of the constitution chapter 1 the laws which states that No person who is tried for a criminal offence shall be compelled to give evidence at the trial. It was

held in this case by judge Chirwa that Section 53 (1) of the Corrupt Practices Act which required people to give evidence in their favour in contravention of the provision of the constitution was null and void.

As observed above "Political Control" of the freedom of the Press takes many forms and it is felt that charges that are brought under various Laws is an effective means of curtailing Press Freedom.

In the case of A. Phiri V the People(9) Phiri was charged of publishing false information likely to cause fear and alarm to the Public. The report appeared in the Times of Zambia that a Child had died at Mufulira during the stampede for meali meal.

Submitting at the trial that followed a Ndola lawyer was reported as saying the confidentiality that the Legal and Medical Practitioners enjoy with their clients must be extended to journalist if the freedom of the press is to be guaranteed.(10)

Eventually Phiri was acquitted and the immediate reaction of the general public was that the judiciary was an important ally of upholding press freedom. Other thought this was not a question of one person saying scratch my back and I will scratch yours. This analogy was due to the representations made in the speech at the Magistrates Seminar, where it was said that Mass Media was an ally of justice and that

the two were responsible for ensuring that justice and fair play prevailed.

Another remarkable instance of what is called "Political Control" took place in November 1981 when Lusaka urban Party Youth Chairman William Banda ordered Party Militants to confiscate a note book in which Times of Zambia reporter Josiyas Mubzi was taking down notes during a meeting at Zecco Offices. Banda had asked the reporter to write about the complaints of anti-party activities. Later Banda demanded to know what Mubzi had written and when the reporter refused, he commanded Party Militants:

"I want that note Book" the Militants obliged by forcefully getting the note book from Mubzi (11) Member of the Central Committee in charge of the press Bob Litana saw the role of the press as "that of protecting the image of the Party". He thought bad reporting on internal matters, made it easy for the enemy to infiltrate the country and create chaos and make people lose faith in the leadership. Litana accused the press for giving more coverage to people who attacked Government. He ordered

"This attitude must stop because there is no balancing in the reporting. The Press is free to write what is newsworthy but more coverage should be given to people who defend Government" (12)

Successive Ministers of Information have all at one time or another said things whose effect can only be construed as an attempt by Government to suppress the freedom of the Press.

Cases that have arose due to defamation Law do in the main arise from what the press have reported from political speeches. One celebrated case of defamation that arose from political speech is that of Chipimo V The Zambia Publishing Co. and The Zambia Daily Mail reported earlier. (12) In this case Chipimo was awarded damages of K99,000 by the High Court Registrar Noah Kabamba. In reply to the papers defence that what they had reported was what was said by the President about Mr. Chipimo at the press conference that he was a hypocrite ^{and} the worst kind and he would deal with him accordingly. The registrar said whatever the President had said the decision to publish or not was entirely left to the paper. The paper should have used its discretion when they realised that the matter was likely to give rise to a case of defamation. This clearly shows that press freedom suffers more from "Political Control" than from the Law of defamation.

Zambian Human Rights Record Clean

Dr. Rogers Chongwe President of the African Bar Association recently observed that Zambia was amongst few African Countries with a relatively clean record of human rights violations. (11)
He attributed this to what he termed Zambias level headed leadership that tolerated criticism dissent and freedom of the Press.....

Dr. Chongwe said he personally felt that the Press in Zambia ^{enjoyed} freedom because the newspapers printed anything. He however, felt that journalist feared that they would come under disfavour with the authorities if they printed certain stories adding that the greatness of a leader was in his ability to accept criticism.

It is shown once again that the fear of political Appraisals weighs more to constrain the press freedom.

FOOT NOTES ON FREEDOM
OF THE PRESS AND POLITICAL CONTROL

1. Article 22 of the constitution of Zambia
- LUSAKA GOVERNMENT PRINTER
2. Times of Zambia 24th March, 1977 P. 1
3. Ibid
4. Francis P. Kasoma, The press in Zambia Multi Media
Publications
Lusaka - Zambia P. 134
5. 1 bid P. 134
6. Elwa Ralso Newspaper Report of 1 September, 1986
7. Times of Zambia 19th April, 1983
8. Times of Zambia 22nd June 1983
9. Mumba V The People (1984) HCZ
10. Times of Zambia 10th May 1988
11. Ibid 10th 1988
12. F.P. Kasoma The Press in Zambia Multi Media
Publications - Lusaka
13. Ibid
14. Zambia Daily Mail 19th June 1989 P. 5

CHAPTER 3

FREEDOM OF THE NON PRINTING MEDIA RADIO, TELEVISION AND CINEMA AND THEIR CONTROL.

The non Printing media, Radio, Television and Cinema command the largest coverage of news and is subject to more stringent control measures by Governments. Out of the three services, Radio is the eldest and most effective in news dissemination. Because of its effectiveness, Radio attracts close Government control to the extent that Radio Broadcasting and Television function fall directly under Government control as a Ministry of Government under a Cabinet Minister

(1) Radio broadcasting services are governed by Broadcasting Act Chapter 253 of the Laws of Zambia which is an Act to provide for the control and regulation of Broadcasting and diffusion services; the payment of Licence Fees and for matters incidental thereto. (2) The Laws of Defamation apply to the non printing media in the same manner they apply to (newspapers). News coverage under Radio is wider than Newspapers. Hence the need for this service to be more closely politically controlled. This importance is realised by policy makers.

In the case of Asafu Mvula
V the introduction of the
Local Music. The exercise of
Political control of the media
was clearly illustrated. In
this case, The Government
policy was to see that
Radio Zambia played as much
Local Music from Local Artists
as possible. The reaction
of the general public was
hostile to this idea.
Government worked through
Mvula who imposed the decision
that 95% Local Music be played on
Radio. This was political decision
and was enforced as a Government
policy despite the unfavourable
initial action from General Public.

Development of non Printing Media -
Radio.

Historically Radio and the Press (Newspapers)
developed at almost the same time although for
different reasons and from different back
grounds. The first Newspaper was published in
1943 in Ndola by Sir Roy Welensky who later
became the first Prime Minister of the ill fated

Federation of Rhodesia and Nyasaland.

However, records dispute the fact that Newspaper publication began in 1943 since what happened was a mere change from Chingola to Ndola and from the original old "Copperbelt Times" which was furnished by two enterprise ^{entrepreneurs} Wykerd and Hevebomeir who moved from Chingola to Ndola where they were joined by Sir Roy Welensky who is Credited as the first publisher of a newspaper. (3) The first Newspaper in Zambia appeared as early back as 1906 and was called The Living Stone Mail so the talk of 1943 as the beginning perhaps refer to Northern News which was the beginning of the modern Newspaper. Even here the time origin is traced to May 1942 through the Emergency powers control Regulation No. 110 which among other things prohibited Publication of newspaper due to short of Newsprint inks authorised by the Director of Supplier. Radio Broadcasting started around the same time with the newspaper beginning during the war. In 1946 an agreement between the Rhodesia and Nyasaland provided for Lusaka Radio which merely Broadcast entertainment programmes and news of war. (5) The British Government policy on Broadcasting by 1950's was clearly committed to developing national net works

whose purpose was to inform and educate African population. This was a political decision. Cases of Defamation on Radio are mostly a post Independence phenomenon the first case was *Simon Mwanse Kapwepwe V Radio Zambia* (2) which is discussed later.

The value of Broadcasting cannot be estimated in monetary terms rather it should be estimated in the contributions it makes in the development effort of the country in educating the people about prevention of spread of diseases, improvements in the methods of agricultural and better living standards. It is also political tool and draws people away from listening from hostile political propaganda from foreign countries directed at destabilising Zambia. The colonial report on Broadcasting under taken in Uganda in 1958 summarize the main aim of Radio in most African countries outside South Africa as being entertainment and is still the basic ingredient in the dissemination of news, particularly political news aimed at promoting national unity. Additionally, the objective of anti-colonialism motivates many African Countries to have effective Radio Stations with external Broadcasts to counter act propaganda from hostile powers such as South Africa. In Zambia a station was opened in 1974 at shortwave built with the help of the Chinese aid to transmit external service to counter-act the propaganda directed against the

country from racist South Africa. Radio Broadcasting together with Television and Cinema have been found to be the effective means of communication for Zambia and is therefore not entertaining luxury. Radio is in most of developing countries specially African Countries the single means of receiving news, news of regional, national and world events, of Government activities and policy decisions. It is the main vehicle for social education. It is the vehicle for health programmes. It is also used to advise on farming methods, on civic responsibilities and voting procedures. It is used for extension of education in schools and learning of languages. No development programmes in Tropical Africa could be possible without Radio.

Television Services.

The role of Television is similar to those of Radio. Television is in fact a section of the department of Broadcasting services the only difference is in the type of audience catered by each. Television Service in Zambia and most developing third world countries is regarded a luxury since only a small percentage of Population have access to it. In Zambia however, a great deal has been achieved in development of Television Service. Television now covers all

provincial capitals since the connecting of all provincial Centres to Lusaka by maero wave link.

CINEMA

Cinema is also used in carrying out a number of development programmes. Government make films to use in various educational and development campaigns like the "back to the land call" "grow more food campaign etc".

In the areas of control of these services the Law of defamation still apply as they are also subject to libel or slander just as the press is. However, there have been few cases in this area. Film Industry is controlled by cap 250 of the Law while Broadcasting is controlled by Chapter 253 of the Laws. But both are subject to rules of defamation under Cap 70 of the Laws. However, distinction are made between two offences libel and slander. A defamatory statment on representation in permanent form as was the case in Penford Westoote.⁽¹⁾ Where the defendant called out, "Penferd, you are a thief", and it was left to the jury to say whether the general abuse terms accompanying "thief" reduced "thief" itself to mere abuse and the jury gave a verdict for the plaintiff. But if defamatory meaning is conveyed by spoken words or gestures it is slander. Emaples of libel, as distinguished from slander are a picture, statue, waxwork effigy or any writting

or print, work or sign exposed to view as was the case of *Monsen V Tussauda* (2) where the defendant who kept a waxworks exhibited a wax model of the plaintiff, with a gun, in a room adjoining the clamber of horror. The plaintiff had been tried for murder in Scotland and released on verdict of "not proved" and a representation of the scene of the alleged murder was displayed in the chamber of Horrors.

"The court of Appeal considered that though in all the circumstances the case was not clear enough for the issue of an interdictory injunction, the exhibition was capable of being found by jury to be defamatory".

In all three non printing media defamation by word would be slander since it is broadly said that libel is addressed to the eye and slander to the ear. Radio Broadcasts are received except in Television and Cinema where there is both vision and sound. Here one would choose to bring libel or slander cases or both if the complained of statement is contained in both.

Essentials of defamation are mainly three (1) The words must be defamatory (2) They must refer to the plaintiff (3) They must be "maliciously" published.

The chances of committing all offences under three heads is remote since Television and Cinema programmes are censored before they are shown to general public. There is a government appointed film censorship Board under cap 250 which censors films. During the period 1974 to 76 Chinese films under the trade name of KuFer in Lusaka Cinema Houses were banned from exhibition due to excessive violence and bad influence on the youth who imitated what they had seen on the screens along most of Lusaka suburbs. Section 7 of Chapter 250 of the Laws of Zambia provides for a film Censorship Board and this section reads as follows. The Minister may by Gazette Notice appoint one or more film Censorships Boards (herein after referred to as "the Board") consisting of such number of persons as the Minister may determine.

Problems of Technicnological Advancement.

Because of advancement in technology people are now able to watch videos in the privacy of their homes or at private functions and watch obscene pictures which are not subject censorship. The introduction of film shows by video undermine the authority of film censorship Board since video film are never censored by the Board. Until the Law is changed to include the control of an distribution of video tapes the classification of films is undermined.

Cinema Theaters owners regard video service as competitor to the film Industry and new approaches should be devised to all film industry to compete favourably with video service. The question however, remains, Does the various laws meant to control these services undermine the concept of freedom of the press? The answer is in Article 4 of the constitution cap 1 of the Laws which states that this freedom is not absentive.

The non printing media like Newspaper should change with the changing times and Technologies of today. The Attitude of people is becoming more sophisticated and more permissive according to changing times so that the Law of Defamation or censorship should also change with times since Law is an Instrument of Social control, a mechanism for dispute settlement, and an instrument for social order and stability. and should take the lead to ensure orderly change. Freedom of the press is an important requirement in development of the country. In view of various developments what is the future prospects for the Press in this country- This question will be the subject of the next chapter where the questions of Press Freedom and Responsibility will be examined with subjects of establishment growth and survival.

FOOT NOTES ON CHAPTER 3

1. Radio Broadcasting function is part of the Ministry of Information and Broadcasting Services.
2. Radio licences for receivers were abolished in 1972 in line with Government policy to abolish a number of licences e.g. Bicycle and dog licence.
3. F.P. Kasama The press in Zambia P. 32
4. L.H. Lann, History of Northern Rhodesia
as reported by P. Kasama, in the Press
in Zambia Lusaka. P. 19
5. Rosalynda Ainslie, The Press in Africa
communications past and present London
Victor bouencz limited 1986 P. 155
6. Winfried Jelow ICZ en Tort 11th edition
P. 283
7. This is a case of libel brought by the
plaintiff against Times of Zambia and
Radio Zambia.

CHAPTER 4

Problems of Press Freedom and Responsibility Establishment, Growth and Survival, Prospects for Press in Zambia and third World Countries.

The future prospects for Press in Zambia is good and promising. Only recently the member of Central Committee in charge of Elections and Press launched a direct news circuit by Satellite between Zambia News Agency (Zana) and the Press Trust of India (PTI) to enhance information exchanges free of past Western Media ^Manupulation (1)

The sources of news in Zambia has traditionally been Western oriented. Majority of the News was coming from Western News agencies such as Reuters AFP Agency France Press etc. The breakdown of the sources is as per table A. The recent launching of the new service between (Zana) and (PTI) of India is an indication of the growth of the Press in Zambia and follows seen after PANA was created as a Pan African Organisation. PANA is a creation of member states of OAU (Organisation of African Unity) and is one of the organs of that body. The aims and objections of PANA is to ensure an independent source of news free from the traditional sources of the west and news that is not manipulated and one

Table A

<u>NAME OF NEWS AGENCY</u>	<u>COUNTRY</u>	<u>NUMBER OF WORDS USED IN 1985</u>
Zambia News Agency (ZANA)	Zambia	22,961,740
Reunters	British	16,691,780
Agence France Press	France	7,204,130
Pan African News Agency	(PANA) OAU	150,420
Shiata	Tanzania	92,120
Mozambique Information Agency (AIM)	Mozambique	5,340
All gemeiner Deutsehnad richton dienst (ADN of	GDR	3,740
Tass	USSR	16,560
Zimbabwe ^I nter- African News Agency	(ZIAWA)	45,850
Yinluca (New China News Agency)	China	82,610
Angola News Agency	(Angop)	6,790
Malawi News Agency	(MAWA)	1,910
Uganda News Agency (UNA)		250
PAPA		120
DPA		70,150
Botswana Press Agency (BOPA)		12,220
ANO		1,060

Source Ministry of Information Broadcasting
Services Annual Report for 1985 P. 20

that is not seen through the eyes of Western Countries but through the eyes of third World countries the group PANA was established to serve. It means the news that is objectively reported and in the best interest of these countries. It also means that news from developing countries should be given priority over that from other regions. The news that deals with development of the country should be given priority instead of reporting news of disasters and catastrophes and non of good things. It is common to day to read in the local newspapers columns news items from different news-agencies which come as far part as Yinliua News Agency (China news Agency) (3) as well as IZV-estia (4) The growth of mass media should also be seen in the context of diversification of their sources of supply from predimately Western such as Reuters, AFP (agency France Press) and a dozen other news agencies as shown by the above table. The Press growth should also be seen in its dynamism. African Press is urged from time to time by leaders to be dynamic and Independent of the western dominated sources. Speaking at the recent inauguration of East African Journalist Association the President of Uganda said,