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Be accepted for examination. I have checked it carefully and I am satisfied that it fulfils the requirements relating to format as laid down in the regulations governing Obligatory essays.

Dr. Alfred Chanda  
(Supervisor)  

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Obligatory Essay

On

MEDIA LAW REFORMS: The Quest To Transform the Zambia National Broadcasting Corporation -ZNBC- from State-Owned and Controlled Media to a Public Service Broadcaster.

By

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Submitted to the University of Zambia in partial fulfilment of the requirements of the Bachelor of Laws (LLB) Degree programme.

School of Law
University of Zambia

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Media Law Reforms:

The Quest To Transform the Zambia National Broadcasting Corporation -ZNBC- from State-Owned and Controlled Media to a Public Service Broadcaster.

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>CONTENTS</th>
<th>PAGE No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table of Contents</td>
<td>(i)</td>
</tr>
<tr>
<td>Acknowledgement</td>
<td>(iii)</td>
</tr>
<tr>
<td>Dedication</td>
<td>(iv)</td>
</tr>
<tr>
<td>Abstract</td>
<td>(v)</td>
</tr>
</tbody>
</table>

## CHAPTER 1: INTRODUCTION

1.0 General Introduction........................1  
1.1 Brief History of Broadcasting in Zambia....4  
1.2 General objectives............................7  
1.3 Methodology..................................8

## CHAPTER 2: PUBLIC BROADCASTING?

2.0 Introduction..................................9  
2.1 Public Broadcasting..........................10  
2.2 Community Broadcasting.......................13  
2.3 Commercial Broadcasting......................15  
2.4 State-owned Broadcasting......................16  
2.5 Distinctive Features of Public Broadcasting....17  
2.6 Conclusion..................................20

## CHAPTER 3: OPERATIONS OF ZNBC

3.0 Introduction..................................21  
3.1 ZNBC Before 1991..............................22  
3.2 Content Analysis of ZNBC News before 1991...27  
3.3 ZNBC After 1991...............................30  
3.4 Content Analysis of ZNBC News After 1991...35  
3.5 ZNBC during the 1996 General Elections......39  
3.6 Content Analysis of the 1996 General Elections..40  
3.7 ZNBC during the 2001 Tripartite Elections.....42  
3.8 Content Analysis of the 2001 Elections.......46  
3.9 Content Analysis of 2003......................48  
3.10 Conclusion..................................51

## CHAPTER 4: THE ZNBC ACT

4.0 Introduction..................................52  
4.1 The ZNBC Act of 1987 and its amendment of 2002....53  
4.2 Editorial Independence........................60  
4.3 The impact of the introduction of TV Licence fees on the control of ZNBC........63
4.4 The BBC and SABC Experience ...................... 66
4.5 Conclusion ............................................ 68

CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

5.0 Introduction ........................................... 69
5.1 Summary .............................................. 70
5.2 Recommendations ................................. 72

BIBLIOGRAPHY AND REFERENCES ... 75
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DEDICATION

I dedicate this work to my late mother, Maria, for bringing me into this world, my father, David, for the financial support rendered during my primary, secondary and university days, my wife Jean and my children, especially the girls, for their support, encouragement and patience during my quest to obtain my second degree.

I also dedicate this study to the many Zambian journalists in the state-owned media whose plight has not, and may never be told, but have fought for and are still fighting for editorial independence.
ABSTRACT

Media Law Reforms in Zambia have been intensified and in the last half of the last millennium, Zambia has seen a lot of developments in the media.

The focus has been to open up the market for private radio, television and newspapers and magazines. But very few efforts have been made to try and transform the only national television from being state owned and controlled to being a public service broadcaster.

Despite recent legislation to transform the ZNBC, there is more to be done to transform the Zambia National Broadcasting Corporation -ZNBC- to a true public broadcaster that will cater for all spectra of society in Zambia.

This requires a serious review of the media laws in Zambia, specially the laws pertaining to the ZNBC.

This research shows that despite the change in legislation, ZNBC will not be free from government interference and control until the politicians, especially from the ruling party enact laws that will make the ZNBC truly independent.

The enactment of laws to introduce television licenses for the financing of the national media or the appointment of a board of directors by an independent committee will not guarantee the participation of all citizens.

What needs to change is the ownership of the ZNBC from the state to the public. This way the ZNBC will have transformed itself from a state-owned and controlled broadcaster to a public service broadcaster.
CHAPTER ONE:
INTRODUCTION

1.0 GENERAL INTRODUCTION

Zambia has undergone a lot of social, economic and political changes since independence on 24th October 1964.

Despite these numerous reforms, very few changes have been seen in transforming laws pertaining to the media, which is the fourth estate.

It is recognised world over that a public broadcaster is a key institution of democratisation especially to emerging democracies in Africa.

Zambia being one of the many African countries undergoing this process requires a genuine public service broadcaster that will promote pluralism in the public sphere.

After all, it has been accepted that among the many available strategies and mechanisms for fostering a sustainable democratic and cultural environment, public broadcasting is still the best.

In Zambia, the Zambia National Broadcasting Corporation -ZNBC- which operates the nation-wide radio and television station is controlled and owned by the government.

With the political changes of 1991, came the assumption that the ZNBC could contribute to the democratic process by transforming itself from a state-owned and controlled broadcaster into a public broadcaster.

However, as will be shown in this study, the Movement for Multiparty Democracy -MMD- government, which took over power from UNIP, did not relinquish its control of the national media.
It continued and even tightened its control of ZNBC and the two national newspapers, Times of Zambia and Zambia Daily Mail, including their Sunday versions, Sunday Times and Sunday Mail.¹

Chapter One of this study introduces the topic and gives a general introduction of each chapter.

Chapter Two defines public, commercial and community broadcasting and outlines the differences in these media organisation. It gives reasons as to why public broadcasting is preferred to other types of media organisations.

The chapter also looks at the advantages and disadvantages of each of these media organisations and the role they play in enhancing democracy.

It further explains the distinctive features of public broadcasting that make it different from other media organisations.

Chapter Three looks at the operations of the ZNBC during the Kaunda-era, the Chiluba-era and the Mwanawasa-era.

This chapter also uses examples of how news was prepared and presented on ZNBC during the different eras.

Chapter Four, specifically looks at the law as it pertains to the Zambia National Broadcasting Corporation, that is, the ZNBC Act No. 16 of 1987 and ZNBC (Amendment) Act No. 20 of 2002, and the Independent Broadcasting Authority Act No. 17 of 2002.

It also draws analogies from the BBC and SABC, which are both considered models that have been turned from state-owned to public broadcasters.

The Chapter explains the concept of control of the media in relation to its ownership.

It also looks at the impact of the introduction of Television Licenses in Zambia and the editorial independence of the Corporation thereafter.

This chapter also looks at how best the ZNBC Act can be changed to conform to the African Charter On Broadcasting, which advocates for public broadcasters as opposed to state-owned and controlled broadcasters.²

From the ZNBC Acts of 1987 and its amendment of 2002, conclusions will be drawn as to whether the ZNBC can be transformed into a true public service broadcaster.

The coverage of news by the ZNBC will be the major focus of my study. Particular interest will be concentrated on the coverage of news before, during and after elections, taking the 1991, 1996 and 2001 elections as a study case.

The essay looks at news coverage during the Kaunda era, the Chiluba era and the Mwanawasa era. The coverage of news by ZNBC in 2003 has also been included to see the direction the Corporation is moving in view of the introduction of licence fees and other changes in the law.

Part of the research involves looking at particular news bulletins during the eras under review.

In addition, the research explains how the government uses the appointment system to keep a hold on the ZNBC.

The paper then looks at the relationship existing between ZNBC and the state; and between ZNBC and the people, the citizens who are the taxpayers.

The paper finally concludes by looking at what the future holds for ZNBC as a public broadcaster.

² African Charter on Broadcasting, Part Two, Section 1.
1.1 BRIEF HISTORY OF BROADCASTING IN ZAMBIA

The development of the media in Zambia was directly linked to the objectives of the British Empire, much in the same way as many other African countries.

The colonial masters in Northern Rhodesia used the media as a direct tool to communicate and control the governed.

Harry Franklin, who was the director of information in the colonial administration, set up the first radio station in Lusaka in 1941.³

This radio station, which later came to be known as the Zambia Broadcasting Corporation (ZBC), got its support from the settler community and a few indigenous people who could listen to the community sets provided at chiefs’ courts and administrative centres.⁴

A radio set called the "saucepan special", introduced in 1949, became the first popular mass-produced set in Africa.

Later on, the invention of the transistor led to many households along the line of rail owning radio sets and in the urban areas eight out of 10 Africans had become listeners.⁵

Television was introduced in 1961 to serve the mainly large mining and commercial community on the Copperbelt. The first television station in Northern Rhodesia was just an extension of Rhodesian Television Limited, which was based in Salisbury.⁶

In 1966, through a broadcasting act which was passed to dissolve the Zambia Broadcasting Corporation, the Zambia Broadcasting Service -ZBS- was established under full government control.

⁴ Ibid; p.14
⁵ Ibid; p.15
⁶ Ibid; p.16
A private company, the London Rhodesia Company (Lonrho), started television broadcasting in Kitwe but the new government at independence purchased the company.\textsuperscript{7}

In 1967, the government fully took control over the ownership of the Kitwe studios, under the ZBS.

This television station was later moved to Lusaka and it became part of the broadcasting system run and controlled by the government.

An Act was passed in 1987 to transform the ZBS into a statutory body called the Zambia National Broadcasting Corporation -ZNBC.

The ZNBC Act of 1987, which was enacted by the United National Independence Party -UNIP- government, was the starting point in what media experts term the formulation of the broadcasting industry in the country.

This is so because the Act included regulations that would help in the licensing of radio and television station. The ZNBC (Licensing) Regulations of 1993 opened the airwaves to private, commercial and religious radio and television stations in the country.

In 1991, the Movement for Multiparty Democracy -MMD- took over power from UNIP and immediately embarked on democratic reforms that included media reforms.

These media reforms involved the opening of the airwaves to other private radio and television stations, such as Multichoice Zambia Limited, a subsidiary of Multichoice South Africa and Cable and Satellite Television (CASAT) and Trinity Broadcasting Network -TBN-, which was established in 1998.

In 2002, the government enacted the Zambia National Broadcasting Corporation (Amendment) Act and the Independent Broadcasting Authority Act.

The enactment of the ZNBC (Amendment) Act of 2002 has been seen as an attempt to shift the control of the ZNBC from the government to the public.

This research, therefore, looks at the quest to transform state owned broadcasters such as the ZNBC into public service broadcasters.

Focus will be put on the ZNBC Act of 1987 and its amendment of 2002 to see whether or not the transformation from state-owned to public owned can be achieved.
1.2 GENERAL OBJECTIVE OF THE STUDY

The primary objective of the study is to try and formulate or propose laws that will truly transform ZNBC from a state-owned and controlled broadcaster to a public service broadcaster.

Through the critical analysis of the ZNBC Act of 1987 and the ZNBC (Amendment) Act of 2002, I should be able to compare the operations of ZNBC with other public broadcasters and see whether it really fits in the realm of being called a public broadcaster.

I also hope that the study will contribute to literature in the field of media law which can be used by many people, especially students of law and journalism.

The paper will also give an inside story of what really happens behind the 'scenes' or cameras and microphones of ZNBC.

However, it should be mentioned here that this 'inside' information will enrich the research because some of the information in this paper has never been known to the public.
1.3 **METHODOLOGY**

The study has employed the narrative, descriptive and analytical approach.

The research involved interviewing ZNBC members of staff who have worked and are still working with the Corporation. The questions asked to the interviewees were open-ended on how they have worked in the newsroom and who has influenced their editorial policy and the way they place their stories.

I have also approached the study by narrating and describing the happenings at ZNBC as told by those who have worked for the Corporation during different periods under review.

In this study I have selected one radio news bulletin for each particular period and the bulletins were chosen at random. However, the study chose a systematic sampling of selecting a bulletin consisting of every second day and from that bulletin getting the top three stories.

I have used charts of top stories of news bulletins of a particular month to show how preparation of bulletins was done at different times in the history of the Corporation.

This I hope will show the mood of the people who are called news-makers and how they are influenced by external factors in the manner they prepare the news.
CHAPTER TWO:
WHAT IS PUBLIC BROADCASTING?

2.0  INTRODUCTION

This chapter defines what public broadcasting is and what it entails. It also gives a definition of other types of media organisations.

The chapter further gives certain distinctive features associated with public broadcasting.
2.1 PUBLIC BROADCASTING

Public broadcasting can be described or defined as broadcasting for and by the public. Its only raison d'etre is public service.⁸

Public broadcasting is also defined, as "a meeting place where all citizens are welcome and considered equals."⁹

The African Charter on Broadcasting defines public service broadcasting as being the broadcaster that is;

"...accountable to all strata of the people as represented by an independent board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender".¹⁰

In Zambia, the Independent Broadcasting Authority Act, No. 7 of 2002 defines public broadcasting as;

"...a broadcasting service which serves the overall public interest and is accountable to the public as represented by an independent board, and defined by the Zambia National Broadcasting Corporation Act."¹¹

However, the well-known purpose of public broadcasters as Lord Reith¹² put it is to "inform, educate and entertain".

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⁹ Ibid; p.7
¹⁰ African Charter on Broadcasting, Part Two, Section 1
¹² Lord Reith was the first Director General of the British Broadcasting Corporation -BBC.
Generally speaking, broadcasting is by far the most important source of information and entertainment, for most people in many countries around the world.\textsuperscript{13}

Most third world countries have high levels of illiteracy and with the high cost of living, many citizens (the majority whom are unemployed), cannot afford to buy newspapers and magazines.

There are also numerous problems of distribution of newspapers to remote areas, making broadcasting the only media, which is accessible to many people.

Furthermore, it is easier and more enjoyable for many to listen and watch the news than to read it.

As a result, broadcasting becomes the more accepted source of information and news. And because of its growing popularity and profitability, governments and major commercial concerns have sought to control broadcasting.

In most cases, and especially in Africa (with an exception of few countries), the broadcast media operates largely as a mouthpiece of the government or the ruling party rather than serving the interest of the general public.

In most countries, Zambia inclusive, broadcasting was until recently a state monopoly. This situation still exists in many countries such as Zimbabwe.\textsuperscript{14}
In modern politics broadcasting remains the major source of information for political parties to reach the electorates.

Indeed for the voters to make informed decisions there should exist a public broadcaster that should assist them make decisions. Murdock says for citizens to be well and maybe correctly informed;

\textsuperscript{14} It may be said that some African governments such as those in Zambia and the South Africa have made moves to relinquish their total control of the national broadcasters. In Zambia, the enactment of the ZNBC (Amendment) Act is one move.
“the media must act as a public sphere, where citizens must have access to information and debates regarding decisions taken in the sphere of politics that will enable them to know and effectively assist them exercise their civil and political rights.”15

Therefore, the role of the media, and in particular, the public media, in the democratic process is to ensure that the citizens should have equal access also to sources of information and equal opportunities to participate in the debates from which political decisions rightly flow.

2.2 COMMUNITY BROADCASTING

The African Charter on Broadcasting defines community broadcasting as that;

"... which is for, by and about the community, whose ownership and management is representative of the community, which pursues a social development agenda, and which is non-profit".16

The IBA defines community broadcasting as;

"...a broadcasting service which-
(a) is fully controlled by a non-profit entity and carried on for non-profitable purposes;
(b) serves a particular community;
(c) encourages members of the community served by it or persons associated with or promoting the interests of such community to participate in the selection and provision of programmes to be broadcast; and
(d) may be funded by donations, grants, sponsorship or advertising or membership fees, or by a combination of any of them."17

It is clear that the aim of community broadcaster is to reach the people living in the community as the above definition implies.

In Zambia, the opening of the airwaves by the ZNBC (Licencing) Regulations saw the emergence of several community radio stations. These radio stations are now in several parts of the country.

Their unique characteristics are that they broadcast in the local language of that particular area or community and are managed, run and operated by locals.

For instance, Radio Chikuni in Monze is a catholic run community radio station broadcasting in Tonga, whereas Mazabuka Community radio Station also broadcasts in Tonga. Both use volunteers from the respective surrounding areas.

16 African Charter On Broadcasting, supra, Part Three, Section 1
17 Independent Broadcasting Authority Act, supra, Section 2
Radio Lyambai, on the other hand, is based in the provincial capital of the Western Province and it broadcasts in Lozi, the predominant tribe of that province.

There are several other radio stations in the country that are community stations because their focus is to reach the people of that particular community.
2.3 COMMERCIAL BROADCASTING

The community broadcasting media can be distinguished from a commercial broadcasting model, which is established for commercial purposes and its main goal is to make profit.

The IBA defines commercial broadcasting as;

"...a broadcasting service operated for profit and controlled by a person who is not a public or community broadcaster."\(^{18}\)

Commercial media have to make money to survive and this means that they will not take the public responsibility as the public media does. The major responsibility of the commercial broadcaster is how it will make money to survive.

In Zambia, there are several commercial media organisations whose aim to make money. Multichoice Zambia Limited, Q FM, Radio Choice to mention a few are examples of commercial media in Zambia.

The main characteristics of these commercial media organisations are that a board of directors or a family trust whose aim is to make money are in charge of the day-to-day operations of such media.

\(^{18}\) Ibid; Section 2.
2.4 STATE-OWNED BROADCASTING ORGANISATION

This type of broadcasting was common in the communist and socialist countries.

It was also prevalent in many emerging African countries whose aim was to unite the newly born nations.

A state-owned broadcaster is a government-owned and controlled media whose main aim is to propagate government policies to the citizenry.

State-owned broadcasting means that the government has a direct control of the affairs and operation of the media.

In Zambia, this was the case during the Kaunda-era, which made the broadcasting media part of the government structure. The UNIP government appointed the Director General and financed all operations of the ZBS from central government.

To date, the ZNBC is still considered a state-owned and controlled media. The reasons for this assumption are given in Chapter Four below.
2.5 DISTINCTIVE FEATURES OF PUBLIC BROADCASTING

There are certain basic principles that are associated with public broadcasting that distinguish it from other types media organisations mentioned above.

These principles vary from society to society but the general ones are usually inherent in most public broadcasters.

The principles include universality, diversity, independence and, in recent times as the case is with the BBC, distinctiveness.

Universality means that the public broadcasting media must be accessible to every citizen throughout the country. The accessibility of all citizens should be regardless of class, colour and political affiliation.

This does not only mean technical accessibility, but ensuring that everyone can understand and follow the programming being offered by the public broadcaster.

The democratic goal of this principle is that it puts all political parties, civil organisations, and citizens on the same footing, whatever their social status or income.

It forces the public broadcaster to address the entire population and seek to be used by the largest possible number of its citizens.

So in terms of programming, the public broadcaster is expected to have a variety of programmes catering for all sectors of the populace.

In its endeavour to be reached by the largest number of people in the country, a public broadcaster should also try not to become a ‘ghetto’ or place constantly frequented by the same group of sources.
Carole Tongue in the Tongue Report said, “The ghettoisation of public service broadcasting is a non-starter”.\textsuperscript{19}

This was in opposition to the notion that public networks should broadcast only the type of programming that commercial media did not want to broadcast.

Diversity entails that the service offered by a public broadcaster should be diversified, in at least three ways. That is, in terms of the genres of programmes offered, the audience targeted, and the subjects discussed.

Public broadcasting must reflect the diversity of public interests by offering different types of programmes, from newscasts to light entertainment programmes.

As it is not possible to please or satisfy the whole population at once, some programmes may be aimed at only part of the public but in the end public broadcasting must reach everyone.

This may be achieved not through each programme, but through all programmes and their diversity.

Diversity and universality are complimentary in that producing programmes intended sometimes for the youths, the middle aged, the old people and other groups ultimately means that the public broadcaster appeals to all.

The principle of independence entails that public broadcasting must be a forum where ideas should be expressed and received freely.

It should be a place where information, opinions and criticisms circulate.

This is possible only if the independence, which entails the freedom, of the public broadcaster is guaranteed against commercial pressures or political influence.

I will indicate in Chapter Four, specific means for guaranteeing respect for this principle, which actually ensures credibility for the public media.

The last principle, that of distinctiveness, requires that the service offered by public broadcasting is unique or distinguishes itself from that of other broadcasting services.

The programmes from a public broadcaster must be of high quality and the public must be able to identify and distinguish such programmes from those from other broadcasters.

In dealing with the issue of distinctiveness, the public broadcaster is expected to be doing things differently, without excluding any genre.

This principle must lead public broadcasters to innovate, create new slots, new genres, set the pace in the audiovisual world and pull other broadcasting networks in their wake.

This has been achieved by the BBC, which is seen as a model for public service broadcasting.
The public service broadcasting is one that has a public agenda and should therefore be made available to all. It is not enough only to say a media is public by looking at its mode of funding.

We should also look at how accessible it is to the ordinary citizen, how it is used during election times.

The control structure, its privileges, its duties and obligations must all point to a public service as opposed to a single section of the society or a single political party.
CHAPTER THREE:
OPERATIONS OF ZNBC

3.0 INTRODUCTION

This chapter explains the operations of the Zambia National Broadcasting Corporation since it was turned into a Corporation in 1988.

The chapter specifically looks at the period before the 1991 elections, the period after the 1991 election, the 1996 and 2001 elections and finally it also looks at the operations of ZNBC in 2003.

It also examines the use of ZNBC by different players before, during and after elections. The chapter specifically focuses on the coverage of the news during these periods.

Content Analysis of actual news bulletins will be used to show who the main players were during the different periods and to finally show that ZNBC news bulletins have been tilted towards the government of the day.

I have chosen one bulletin at random for the different periods under review.
3.1 ZNBC BEFORE 1991

Prior to enactment of the Zambia National Broadcasting Corporation Act of 1987 (the ZNBC Act), radio and television broadcasting was vested in the Zambia Broadcasting Services -ZBS-, the forerunner to the Corporation.

The UNIP government under the leadership of Dr. Kenneth Kaunda controlled the only radio and television station and two daily newspapers and their Sunday versions.

This control was complete and was not questioned because the Party (UNIP) and its Government integrated the media into the party and government structure.

The ZBS was by then a government wing or department under the ministry of information and broadcasting, just like the Zambia News Agency and the Zambia Information Service.20

Banda21 says the integration of the media into the UNIP 'party and government' structure had one official objective advanced by the regime: to promote national development and unity.

He further contends that the government had another un-stated objective, that is, to silence any political criticism or dissent that would arise from a free media.

This meant that the UNIP government controlled what was transmitted by the ZBS. The workers at ZBS were civil servants and owed their allegiance to the government of the day.

There is a close relationship between control and ownership, as the one who owns the media most likely controls what it publishes or broadcasts. Therefore, it follows that if UNIP owned ZBS, then it controlled ZBS, and this included the control of what was disseminated by the department, which included news items.

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20 GRZ information sourced through government write-ups on the operations of departments under the Ministry of Information, Broadcasting and Culture.

3.1 ZN BC BEFORE 1991

Prior to enactment of the Zambia National Broadcasting Corporation Act of 1987 (the ZN BC Act), radio and television broadcasting was vested in the Zambia Broadcasting Services -ZBS-, the fore runner to the Corporation.

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\textsuperscript{20} GRZ information sourced through government write-ups on the operations of departments under the Ministry of Information, Broadcasting and Culture.

The total control of the media was compounded by President Kaunda's prerogative to appoint media heads from among committed UNIP members.

Most reporters knew that if they were to succeed and prosper in their careers as journalists in state-owned media, they had to be loyal party members who were required to toe the party line.

During this era, the views of the so-called owners of the media (the UNIP government and cadres) received constant publicity. What the government did dominated in almost all news bulletins at the broadcasting station.

Most of the news bulletins on radio and television led with a story about the head of state followed by his deputy or ministers and then party leaders and so on.

After each bulletin, the newscaster was required to read a commentary prepared by the Department of National Guidance at UNIP Headquarters.\(^{22}\)

These commentaries propounded on the UNIP ideology of humanism, national development and unity.

The media in this ideological framework was therefore seen as a 'tool' for the 'party and its government' to propagate issues on national integration.

For example, from the early 1990s all bulletins on ZNBC were required to open and end with UNIP slogans such as; "UNIP IS THE PILLAR OF THE NATION", or "UNIP STANDS FOR NATIONAL UNITY", or UNIP IS THE PEOPLE'S PARTY" or UNIP IS THE VANGUARD OF THE NATION".\(^{23}\)

These slogans were meant to consolidate UNIP's rule and unite the country through

\(^{22}\) These commentaries were prepared by civil servants (sometimes by UNIP cadres) and were read as editorial comments at the end of each news bulletin. However, it is prudent to mention that most newscasters refused to read these commentaries and the Department of National Guidance was forced to assign its members of staff to read the prepared commentaries.

\(^{23}\) Source: ZNBC Archives.
the media.

Banda says the issue of communication during the Kaunda era was that of:

"...bringing the 'government' to the 'governed'. It was not unusual, then, to frequently watch images and read texts of Kaunda in a diversity of situations. This Kaunda-centred reportorial orientation was so embedded into the political structure that the media unwittingly or unconsciously accorded Kaunda the role of definer of both the content and placement of news items, resulting in what has come to be known as hierarchical reporting."

The above scenario made journalists at ZBS and later ZNBC work as 'tools' for the government as they were not independent to practice their profession.

The transition of the broadcasting station, from a department under the Ministry of Information and Broadcasting, to a corporation by statute did not mean the government relinquished its control of the broadcaster.

In actual fact, the government intensified its use of the national broadcaster. This can be seen in the way the corporation reported on issues especially when the so-called 'wind of change' started blowing across the continent in the late 1980s.

During this period, UNIP used the media to suppress the dissenting voices of those calling for change in the country's political landscape.

In July 1990 a group of unionists, businessmen, academics, clergymen and university students formed a movement, (called the Movement for Multi-Party Democracy-MMD), which was later transformed into a political party.

Most state-owned media organisations, ZNBC inclusive, dismissed the movement as an organisation bent on destabilising the nation.

---

The movement's meeting at Garden House motel along Mumbwa road was silenced by ZNBC and the explanation from management was that there was a technical problem.

Several similar meetings and rallies by the Movement for Multiparty Democracy - MMD- prior to the 1991 elections were 'blacked out'.

In fact, on 1st November 1990, state-owned media organisations were ordered by President Kaunda not to give coverage or report statements by the leaders of the group calling for an end to the one-party rule.

Sangwa25 says this was however, challenged by the petitioners on grounds that it was discriminatory and violated their right to freedom of expression.

The High Court ruled for the petitioners and held that the directive was unconstitutional because it violated the guaranteed freedom of expression granted in the Constitution.26

The operation of the ZNBC newsroom during the UNIP era was more or less that of a government information or public relations wing.

In most newsrooms the world over, there are several meetings that are held before the final product comes out.

There is what is called the ‘Diary Meeting’ in the morning where reporters present their ideas or what they intend to cover for that particular day.

Then there is another meeting immediately after the ‘Diary Meeting’ where senior editors meet to discuss the previous day’s work and what is to be covered that particular day.

26 Ibid.
In the case of the ZNBC newsroom, it was at this stage where some of the assignments, which were seen not to be 'in good taste', were removed from the diary and never pursued.

Therefore, most of the ideas pursued contained appointments with government ministers, the prime minister or the president.

Very few 'own ideas' by reporters were pursued as there would either be 'no camera' to cover such ideas because first priority was given to government functionaries.

This was supported by the ZNBC Act, which gave the government control over editorial decision, management and financing of the Corporation.\textsuperscript{27}

In the early 1990s and up to election time, most stories, if not all, carried positive stories on President Kaunda, and his ministers and very few if any, on the opposition.

\textsuperscript{27} Articles 4(2), 7(1)(2), 19(2) of the ZNBC Act of 1987.
This study was meant to investigate and show how the ZNBC covered, prepared and transmitted its news bulletins before the 1991 election.

The content analysis contains the 13:00 Hours main news of June 1991, chosen randomly. The bulletins were picked in the sequence of one bulletin every two days.

The study isolates the news genres for content analysis mainly because it reflects how the media operates in a particular environment and shows who controls the news output.

The study only looked at the top three stories as it shows how the media places the value on the newsmakers.

The chart below is categorised as follows: date; actor sequence; type of story and number of paragraphs.
<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTOR SEQUENCE</th>
<th>TYPE OF STORY</th>
<th>PARAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/06/90</td>
<td>-1. President Kaunda</td>
<td>Politics</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>-2. Comrade Mandela</td>
<td>Politics</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>-3. SPLA (Sudan)</td>
<td>International</td>
<td>3</td>
</tr>
<tr>
<td>04/06/90</td>
<td>-1. President Kaunda</td>
<td>Politics</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-2. President Kaunda</td>
<td>Politics</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. C/B Union Chairman</td>
<td>Labour matters</td>
<td>4</td>
</tr>
<tr>
<td>07/06/90</td>
<td>-1. President Kaunda</td>
<td>Politics</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>-2. President Kaunda</td>
<td>Politics</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>-3. President Kaunda</td>
<td>Politics</td>
<td>4</td>
</tr>
</tbody>
</table>

*Note that on this particular day, the first four stories were on President Kaunda addressing a press conference.*

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTOR SEQUENCE</th>
<th>TYPE OF STORY</th>
<th>PARAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/06/90</td>
<td>-1. Eastern Province MCC</td>
<td>Politics</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-2. Liberia</td>
<td>International</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. Home Affairs Minister</td>
<td>Agriculture</td>
<td>3</td>
</tr>
<tr>
<td>13/06/90</td>
<td>-1. (Story Not Filed)</td>
<td>Education</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>-2. ACC</td>
<td>International</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. Angola-UNITA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16/06/90</td>
<td>-1. President Kaunda</td>
<td>Politics</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>-2. C/Belt MCC</td>
<td>Politics</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. Measles outbreak</td>
<td>Health</td>
<td>5</td>
</tr>
<tr>
<td>19/06/90</td>
<td>-1. President Kaunda</td>
<td>Politics</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>-2. President Kaunda</td>
<td>Politics</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. PM Malimba Masheke</td>
<td>Politics</td>
<td>6</td>
</tr>
<tr>
<td>22/06/90</td>
<td>-1. President Kaunda</td>
<td>International</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>-2. President Kaunda</td>
<td>International</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. Tourism Minister</td>
<td>Environment</td>
<td>5</td>
</tr>
<tr>
<td>25/06/90</td>
<td>-1. President Kaunda</td>
<td>International</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>-2. PM Malimba Masheke</td>
<td>Economics</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>-3. US Secretary of State</td>
<td>International</td>
<td>6</td>
</tr>
</tbody>
</table>

News Bulletin of 28/06/90 not available. This was the day when there was an attempted coup by Lieutenant Mwamba Luchembe and his soldiers.

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTOR SEQUENCE</th>
<th>TYPE OF STORY</th>
<th>PARAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>29/06/90</td>
<td>-1. President Kaunda</td>
<td>International</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>-2. UNZA closed</td>
<td>Local</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. Parliament</td>
<td>Local</td>
<td>4</td>
</tr>
<tr>
<td>30/06/90</td>
<td>-1. Grey Zulu(UNIP SG)</td>
<td>Politics</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>-2. President Kaunda</td>
<td>Politics</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. President Kaunda</td>
<td>Politics</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: ZNBC Archives
The above chart shows that ZNBC predominantly covered President Kaunda and placed him prominently in almost all the bulletins.

The few, but rare occasions when Dr. Kaunda was not in the top three slots, one of his ministers or party officials would replace him as lead.

This shows that at that time it was policy to lead the ZNBC bulletins with the President, followed by his ministers or party officials.

This chart confirms the integration of the ZNBC into the 'party and its government' structure as the editorial inclination of the Corporation was towards UNIP and its government.
3.3 ZNBC AFTER 1991

After the October 1991 election, Zambia changed from a formal and legalised one-party system of government to a multi-party system. UNIP was removed from power and the Movement for Multi-party Democracy -MMD- was ushered into power.

With the advent of pluralism came several conditions set by the World Bank and the International Monetary Fund. The new government was required to fulfil these conditions as a way of getting funding.

Some of the conditions was that the country was required to restructure its economy by implementing structural adjustments programmes, introducing market reforms, good governance and many other requirement which included reforming the media.\(^{28}\)

The structural adjustment programme involved a lot of changes in the economic landscape, which included the privatisation of companies. However, despite the government's promise to reform the state owned media as part of the restructuring process, the MMD backtracked and instead decided to keep control of 'its' media organisations.

In 1992, the Ministry of Information appointed a Media Reform Committee to carry out an audit of Zambian laws affecting press freedom. Although the committee identified twenty-six laws inconsistent with freedom of expression, no action was taken by the new government to follow up on the findings.

Therefore, after the 1991 elections, the ZNBC changed hands and President Chiluba and his MMD government took the role that was occupied by Kaunda and UNIP.

However, the MMD government recognised press freedom as a basic human right and saw the Third Republic media as one which would help the nation enter the era of respect for human rights and democratic principles.\(^{29}\)

\(^{28}\) MMD Manifesto during the 1990 – 1991 campaign indicated that the MMD would liberalise the media when it comes to power.
\(^{29}\) E. Silwamba, “The MMD government and press freedom in Zambia”. A paper delivered at the
President Chiluba also recognised press freedom, but he stressed then “freedom of the press does not imply license to defame or indeed to publish false stories.”

Chiluba further said freedom of expression “places responsibility upon those who practise journalism. Regrettably, many operating media institutions in Zambia are ignorant of media ethics. Their emotions excel those of football fans who wish to beat the referee for their bad performance.”

As much as he acknowledged freedom of the expression, which includes freedom of the press, President Chiluba was wary of journalists who did not practise professionally and ignored media ethics.

At the beginning of the Third Republic, ZNBC carried with it into the new republic the same Director General, directors, managers and workers from the UNIP era. These were considered to be civil servants who could work with any government.

One thing worth mentioning is that immediately after elections MMD officials demanded maximum coverage. The trend seemed to have changed from UNIP coverage to MMD coverage.

For instance, MMD Minister Without Portfolio Brigadier General Godfrey Miyanda demanded to know why ZNBC carried as a last story an item on President Chiluba in the 19:00 Hours of 30th November 1991.

This was when President Chiluba was guest of honour at a soccer match between Power Dynamos of Zambia and BCC Lions of Nigeria in which the Zambian team carried the day.

Mr. Nkamu Nkamu, then sub editor on duty, was told to explain why he placed the presidential story as the last item.

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British Council workshop, 1996.
Ibid;
In his letter to General Miyanda dated 2\textsuperscript{nd} December 1991, Mr. Nkamu explained that there was nothing wrong with placing the item as he did because it was a sports story. He further contended that ZNBC did not have policy guidelines in place to assist junior staff in the coverage of such items.

In his words, Mr. Nkamu wrote:

"...we decided to lead with an item on education. We chose education because of the importance it has in our society and the emphasis the President has put on it.

We also did this because of the MMD government's declared policy to bring back high standards of education in our schools.

It is only sad on our part as sub-editors that on that day we failed to recognise the prominence of the soccer match. And it is also very sad that we have been viewed as anti-change, which of course we are not.

Sir, we view ourselves as sacrificial lambs because someone wants to change his colour with the coming to power of the MMD government...

The same people (ZNBC senior editors)...want to pretend that they are more MMD than they really are, if ever they are...

It should be known to you, Sir, that these (ZNBC senior editors) are the pro-UNIP people who want to cleanse themselves of their dirt on a junior officer. It should also be known that ZNBC has no clear policy on the treatment of news items.

Sir, we need this urgently to make our work easy."

\footnote{Letter written by ZNBC Sub Editor Nkamu Nkamu to Minister Without Portfolio Brigadier General Godfrey Miyanda. It was copied to the Minister of Information and Continuing Education, ZNBC Acting Director General, Controller News and Chief Sub Editor.}
This and many other issues led to a tribunal being constituted to investigate allegations by reporters that Mr. Wellington Kalwishwa, the News Editor in Lusaka and Mr. Peter Mwewa, the Controller News and Current Affairs, were manipulating stories.

Journalists in the newsroom had protested and signed a petition against the duo’s alleged manipulation of news stories and bulletins, and alleged interference in the professional running of the newsroom.

The two appeared before the tribunal constituted by the Acting Director General Emmanuel Chayi and chaired by Mr. Corinth Njovu, the Controller of Personnel and Training. By this time Dr. Steven Moyo who was the Director General appointed by President Kaunda had been fired.

The findings of the tribunal were not made public but Mr. Mwewa voluntarily retired and Mr. Kalwishwa was transferred to the public relations unit and later to the ZNBC Kitwe studios as news editor, which was in essence a demotion.³⁴

This shows how the new government viewed ZNBC and how they wanted the Corporation to operate in the new political scenario.

The change in coverage from UNIP to MMD made things difficult for some staunch UNIP supporters working for the Corporation who felt they could not stomach giving singing praises to the new government. Some resigned and a few who remained were so frustrated that they could not perform effectively and hence were demoted or given non-functional posts.

For instance, Mr. Dapson Chipeta, an announcer with Nyanja section, resigned from the Corporation after the MMD took over from UNIP. Mr. Chipeta had gone to cover the 1991 elections in the Eastern Province and when he came back to Lusaka he was asked why his stories seemed to be biased towards UNIP.

³⁴ This information was given in an interview with Mr. Maxwell Ng’andu, currently ZNBC Controller Television and Mr. Nkamu Nkamu, Website Manager. Records on the petition and the results of the tribunal could not be availed to this author.
MMD cadres from within and outside ZNBC put pressure on him to resign. The cadres exerted pressure on management to get rid of all UNIP supporters. It was even rumoured the MMD had, at its Secretariat, a list of UNIP supporters who were to be fired when MMD took over government.\textsuperscript{35}

It is clear that coverage of news stories by the state-owned media, namely, the ZNBC, the Times of Zambia, the Zambia Daily Mail, Financial Mail, Sunday Times and Sunday Times, continued as before as they covered the same 'official' stories mostly from the ruling party. The only thing that changed was the party in power.

However, as the chart below shows, the placing of stories for the head of state and his ministers as lead was not as often as it was in the Kaunda-era where the state-owned media had been integrated in the ‘party and government’ structure.

The chart shows that the MMD was liberal in its approach towards media coverage and allowed the Corporation to operate professionally, at least for the first few years in office.

\textsuperscript{35} This is according to the interview I had with a ZNBC employee who was then with Radio One.
3.4 CONTENT ANALYSIS OF ZNBC NEWS AFTER 1991

The chart below looks at the ZNBC 07:00 Hours radio news in December 1994. The month and year were chosen at random. The chart intends to show the way ZNBC covered its news sources and the way they were placed in the bulletins after the 1991 elections.
# TOP THREE STORIES OF 07:00 HOURS BULLETINS OF DECEMBER 1994

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTOR SEQUENCE</th>
<th>TYPE OF STORY</th>
<th>PARAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/12/94</td>
<td>-1. Printpak workers fired</td>
<td>Labour</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>&quot; -2. PS Sichinga- Crops</td>
<td>Agriculture</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>&quot; -3. Katete Council Secretary</td>
<td>Land dispute</td>
<td>3</td>
</tr>
<tr>
<td>06/12/94</td>
<td>-1. Police PR Francis Musonda</td>
<td>Poachers Arrested</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>&quot; -2. Minister Kabunda Kayongo</td>
<td>Promotion of Arts</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>&quot; -3. ZCTU Official</td>
<td>Non payment of workers</td>
<td>3</td>
</tr>
</tbody>
</table>

Bulletins of 09/12/94 and 10/12/94 not filed

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTOR SEQUENCE</th>
<th>TYPE OF STORY</th>
<th>PARAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/12/94</td>
<td>-1. President Chiluba</td>
<td>In Stockholm</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>&quot; -2. Union officials</td>
<td>Breakaway unions</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>&quot; -3. Solwezi Council Chairman</td>
<td>Councillors accused</td>
<td>3</td>
</tr>
<tr>
<td>14/12/94</td>
<td>-1. Minister Remmy Mushota</td>
<td>Protests against Germany</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>&quot; -2. German Ambassador Schmidt</td>
<td>Declines to comment</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>&quot; -3. President Chiluba</td>
<td>Calls for foreign Investment</td>
<td>5</td>
</tr>
</tbody>
</table>

Bulletin of 17/12/94 not available

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTOR SEQUENCE</th>
<th>TYPE OF STORY</th>
<th>PARAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/12/94</td>
<td>-1. UNIP Chairman Masheke</td>
<td>Extra-ordinary Congress</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>&quot; -2. Minister Kashita</td>
<td>Kafue-Lusaka Road</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>&quot; -3. Police Officer Makayi</td>
<td>Neighbourhood watches</td>
<td>6</td>
</tr>
<tr>
<td>21/12/94</td>
<td>-1. By Elections</td>
<td>Voting in Chama/Lumezi</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>&quot; -2. D/Minister Gibson Nkausu</td>
<td>Tick borne disease</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>&quot; -3. CCZ GS Violet Sampa</td>
<td>Unions/workers’ rights</td>
<td>3</td>
</tr>
<tr>
<td>24/12/94</td>
<td>-1. Malian Authorities release Zambian plane</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; -2. Villagers in Chongwe cry for Relief food</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; -3. Lusaka Town Clerk Kabimba</td>
<td>Merzarf flats</td>
<td>5</td>
</tr>
</tbody>
</table>

Bulletin of 27/12/94 not available

<table>
<thead>
<tr>
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<th>ACTOR SEQUENCE</th>
<th>TYPE OF STORY</th>
<th>PARAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>29/12/94</td>
<td>-1. Minister Keli Walubita</td>
<td>Celebrate Christian Nation</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>&quot; -2. Maize shortage hits Western Province</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; -3. Shortage of mealie meal countrywide/Increase in price</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

Source: ZNBC Archives
From the above chart we can see that the journalists at ZNBC were ‘quite’ free to place stories as their profession demanded. The use of Presidential stories in bulletins could be placed in different slots and was not as extensive as was the case in the second republic.

This shows that after the 1991 elections, the MMD relaxed its hold on ZNBC and let the Corporation operate professionally. However, it must be noted that there were isolated incidences when the government demanded that the coverage of ZNBC should be centred on ‘development’ and in the eyes of the MMD, development meant covering what the government did.

The more receptive attitude of the MMD government was also evidence in the television programmes that were being aired by ZNBC.

Fackson Banda produced and presented a programme called ‘National Watch’ which put the government and ruling party leaders under the spotlight on issues of governance, human rights and so on.

Another programme that was very independent and critical of the government was ‘TOPIC’ presented by Chibamba Kanyama.

These programmes were discontinued towards the 1996 Presidential and Parliamentary elections.\(^{36}\)

The period after 1991 and before the 1996 Presidential and General elections can be said to have been the time when ZNBC was ‘free’ to practice its trade. However, this ‘honeymoon’ did not last long as the government machinery moved in to control ZNBC.

In 1995, the MMD government proposed to set up a statutory body to regulate licensing and control the ‘ethical conduct’ of journalists. The government proposed the formation of the Media Association of Zambia (MAZ) that would have replaced

\(^{36}\) F. Banda, Op cite; p. 5.
the Press Association of Zambia –PAZA–, which was a voluntary association for journalists.\(^{37}\)

MAZ would make it mandatory for all media organisations to subscribe its staff to the association. PAZA sought judicial review, claiming that the proposed formation was in bad faith and would not further the newly democratic values the country had acquired. In return the government abandoned the idea.

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\(^{37}\) J. Sangwa, Op cite.
3.5 ZNBC DURING THE 1996 GENERAL ELECTIONS

After many months of speculation about the election date, President Chiluba on October 19, 1996 finally announced that Zambia’s second multi-party Presidential and Parliamentary elections would be held on November 18 the same year.

UNIP as the major opposition party in the second republic refused to participate in the 1996 elections because of changes to the constitution, which saw its president Dr. Kenneth Kaunda being barred from standing.\(^{38}\)

There was also disenchantment with the electoral process in which the opposition were suspicious of the appointment by the government of an Israeli company NIKUV, to update the voters’ register.\(^{39}\)

During this time, the media coverage by state-owned newspapers and ZNBC was biased towards the ruling MMD. The state-owned media started publishing and broadcasting campaign materials of the MMD candidates and did little if anything to cover opposition candidates.

The President’s countrywide tours were extensively covered by ZNBC and given peak airtime.

As mentioned above, programmes that gave an opportunity for people to criticise the government were discontinued on both ZNBC radio and television.

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\(^{38}\) The 1996 Constitution (Amendment) Act, Article 34(3) barred presidential aspirants with both parents who are non-Zambians from standing. Dr. Kaunda’s parents were born in Malawi.

3.6 CONTENT ANALYSIS OF ZNBC NEWS DURING THE 1996 GENERAL ELECTIONS

Content analysis of ZNBC news in 1996 was impossible as all bulletins for this particular year are not available at the Corporation. People working in the newsroom at that particular time said people from State House took the bulletins from the newsroom.

This information would have helped gauge how the MMD suddenly changed and departed from its pledge to uphold the Constitution by guaranteeing freedom of expression as enshrined in the Constitution.

However, by way of comparison the 1991 general elections in Zambia were generally regarded as peaceful as compared to the 1996 elections.\textsuperscript{40}

The 1996 election brought tension in the country, which culminated into an attempted coup in October 1997.\textsuperscript{41}

The tension started prior to the 1996 elections when the Constitution was changed. This led to UNIP boycotting the elections, as its president could not contest the election because of a provision to bar candidates whose parents were not born in Zambia.\textsuperscript{42} This also forced the donor community to refuse to send observer missions because the clause in the Constitution barring certain Zambians was seen as an infringement of human rights.

President Chiluba used a number of measures to harass the opposition and attacked the media in an attempt to control the free flow of information. The private media, such as the Post, were worst hit by measures employed to silence the opposition but journalists from state-owned media organisations were not spared.


\textsuperscript{41} Captain Steven Lungu, alias Captain Solo and some soldiers, took over ZNBC on 28\textsuperscript{th} October 1997, in what he claimed a move to liberate Zambians from poverty brought about by Chiluba and his government.

\textsuperscript{42} The 1996 Constitution (Amendment) Act, Article 34(3).
Six journalists from state-owned organisations were on November 25, 1996 suspended indefinitely on charges that they conspired to discredit the November 18 elections.

Mundia Nalishebo from the Zambia Information Services, Abias Moyo, Gershom Musonda, Dominic Chimanyika, Chibamba Kanyama and Charles Banda, all of ZNBC were suspended pending an investigation into allegations that they conspired with a local monitoring group, the Zambia Independent Monitoring Group –ZIMT-, to discredit the elections.43

ZIMT was among three independent monitors of the elections that declared that the victory of President Chiluba and the MMD was not “free and fair”.44

The government also used the appointment system as a conduit for influence on editorial matter. Asante45 says the government can directly control and manipulate the media through the appointment and dismissal of staff, or through the reward for exemplary behaviour.

In October 1996, for instance, ZNBC Controller Television Ben Kangwa was suspended for allowing a paid for UNIP advertisement in which UNIP president Kaunda was announcing his party’s decision to boycott the elections.

Tension surrounding the Constitutional framework continued and actually increased towards the 2001 tripartite elections.

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44 Ibid.
ZNBC DURING THE 2001 TRIPARTITE ELECTIONS

The discussion of the 2001 Tripartite Elections cannot start without first looking at the way ZNBC and the state-owned newspapers covered the so-called ‘Third Term Debate’.

Banda\textsuperscript{46} says the coverage of the third term debate “set the tone for the way the media will structure their reporting of the elections”.

The so-called ‘Third term Debate’ was started by MMD cadres who started agitating that President Chiluba should run for the third term as President of his Party and the republic.

The debate was well covered by both the private and state-owned media as the President ‘allowed’ the nation to debate freely. However, the coverage was different between the two sectors of the media; the private and the state-owned.

By this time those opposed formed an ‘Oasis Forum’ whose aim was to stop MMD cadres from changing the constitution to allow Mr. Chiluba to participate in the elections.

This group was extensively covered by the private media especially Radio Phoenix which featured talk shows ‘for’ or ‘against’ third term. On the other hand, the state-owned media ignored the activities of the ‘Oasis Forum’.

In his research on the coverage of the media during the ‘third term’ debate Herbert Macha says the private newspapers, especially the Post and private radio stations waged a campaign against the ‘third term’ for Mr. Chiluba. But the state-owned media organisations waged a campaign for the ‘third term’ bid for Mr. Chiluba and dismissed activities of the ‘Forum’ as opposition party schemes to discredit the ruling MMD.\textsuperscript{47}

\textsuperscript{47} H. Macha, “State or Public Service?” An Analysis of Coverage of political Issues and Debates
Professional mistakes by journalists were treated with suspicion as the case was when in 2001, ZNBC News Editor Bob Sifuniso changed a story written by a reporter. The story was on the White Paper from the government reacting to recommendations by a commission tasked to investigate alleged torture of the 1997 coup suspects.

Mr. Sifuniso had re-written the story to highlight the recommendation by the commission that certain officers be dismissed from the police force. The government felt offended because they wanted ZNBC to report its reaction to the report, instead of the recommendations.

This infuriated government leaders some of whom stormed the ZNBC Director General Duncan Mbazima’s office demanding that the ‘culprit’ be locked up.

Despite the quick retraction, subsequent apology and correction\(^49\), the MMD did not believe that this was a professional mistake. Mr. Sifuniso was suspended indefinitely pending investigations and was subsequently fired from the Corporation without benefits.

Prior to this incident, the News Manager of the ZNBC was in August 2001 transferred to Radio 2 as Programme Manager, a position lower in scale than that of News Manager.

The reasons given by the management was that the transfer was necessary ‘due to developments in the newsroom’. The developments were never explained but it was apparent that the MMD had started purging journalists believed or suspected to be working against them.

A journalist from the Zambia News Agency –ZANA-, handpicked by the Permanent Secretary Mr. Arthur Yoyo, replaced the ZNBC News Manager.\(^50\)

This was the start of a purge of journalists who were viewed to be sympathisers of the

\(^{49}\) The retraction, apology and correction was done in a few minutes and read during the same bulletin and subsequent bulletins.

\(^{50}\) The journalist from the Zambia News Agency was seconded to ZNBC, without the approval or knowledge of the Secretary to the Cabinet, who in normal circumstances sanctions such secondments.
‘Oasis Forum’ and it cut across of all state-owned media organisations such as the Times of Zambia and the Zambia Daily Mail, where reporters were transferred either to regional offices or to non-functioning areas.

For instance, Justin Mwiinga of the Zambia Daily Mail was transferred to the research department while several other reporters were transferred to Ndola.

Gerald Mwale, the Current Affairs Manager at ZNBC then was first told verbally that he had been placed on forced leave before being transferred to the Marketing Department as a scriptwriter, a position created for him. This was after he threatened to take the Corporation to court.

The action by the Ministry of Information and Broadcasting worked in two ways: it instilled fear in the journalists who remained in the respective newsrooms and it paved way for the ruling party to use the media to campaign for the elections without question.

As the chart shows below, ZNBC coverage of the 2001 campaign period was skewed towards the MMD and its presidential candidate Levy Patrick Mwanawasa.
This chart shows the coverage of ZNBC in March 2001. The filed bulletins did not contain bulletins from 1st to 11th March. Hence, the chart starts on 12th March.

### TOP THREE STORIES OF 13:15 HOURS BULLETINS OF MARCH 2001

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTOR SEQUENCE</th>
<th>TYPE OF STORY</th>
<th>PARAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/03/01</td>
<td>-1. President Chiluba</td>
<td>Youths development</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Joan Mwaanga(Youth Rep)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- President Chiluba</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>- Joan Mwaanga(Youth Rep)</td>
<td>Youth Development Funds</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>- President Chiluba</td>
<td>Appointment of DAs</td>
<td>6</td>
</tr>
<tr>
<td>14/03/01</td>
<td>-1. MMD National Sec. M. Sata</td>
<td>Collective responsibility</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Five Chewa Chiefs support third term for Chiluba</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Samfya district workers go on strike</td>
<td>6</td>
</tr>
<tr>
<td>17/03/01</td>
<td>-1. Health Minister Kavindele</td>
<td>Appeals for donor funding</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Information PS Sikaneta</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Kabwe DA</td>
<td>6</td>
</tr>
<tr>
<td>20/03/01</td>
<td>-1. Ministry of Health official300 die/day from AIDS</td>
<td>Kabwe Cholera outbreak</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Health Minister Kavindele</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- UNHCR official</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>- Kabwe DA</td>
<td>Cholera death toll rises</td>
<td>6</td>
</tr>
<tr>
<td>23/03/01</td>
<td>-1. WHO rep. Maganu/CBOH</td>
<td>Donation of drugs</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- CBOH DG Dr. Silwamba</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Solar Eclipse Committee</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>- Kabwe DA</td>
<td>On solar eclipse in Zambia</td>
<td>5</td>
</tr>
<tr>
<td>26/03/01</td>
<td>-1. President Chiluba</td>
<td>Women under represented</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- World Bank Rep. Ansu</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Minister Rev. P Chintala</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>- Kabwe DA</td>
<td>On churches turned parties</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>29/03/01</td>
<td>- President Chiluba</td>
<td>Commends Rwanda</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Minister B. Namuyamba</td>
<td>Closure of bus stops</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- 37th OAU Summit to be held in Lusaka</td>
<td>6</td>
</tr>
<tr>
<td>31/03/01</td>
<td>-1. Fire guts smelter at Mopani Copper mines</td>
<td>Private sectors commended</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Health Minister Kavindele</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>&quot;</td>
<td>- Pastor calls on Zambians to respect leaders at all levels</td>
<td>5</td>
</tr>
</tbody>
</table>

Source: ZNBC Archives
The above chart shows an increase in the frequency of stories involving the President and government officials. This is more or less reminiscent of the period before the 1991 multiparty elections when most bulletins carried President Kaunda and his ministers or party officials.
When President Mwanawasa won the 2001 elections, some opposition political parties petitioned the results. In the petition they contended, *inter alia*, that the election was rigged, that there was voter buying and corruption and the use of government resources by the ruling MMD.

They also contended that media, especially state-owned media, were biased towards the ruling MMD. The petition against President Mwanawasa is still in court.

After the 2001 elections, the Corporation changed its placement of stories from President Chiluba as lead, to President Mwanawasa as lead.

This is exactly what happened in 1991 when the reigns of power moved from President Kaunda to President Chiluba. Now it was Mwanawasa in the news and in the top three slots.

The chart below shows the way ZNBC is currently treating stories. The bulletin is the 7:00 Hours Radio news in the month of April 2003.
# TOP THREE STORIES OF 07:00 HOURS BULLETIN OF APRIL 2003

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTOR SEQUENCE</th>
<th>TYPE OF STORY</th>
<th>PARAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/04/03</td>
<td>-1. Minister N. Zimba</td>
<td>Kapapa suspended</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>-2. D. Kapapa</td>
<td>Reacts to suspension</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. Teachers pass 'Vote of no confidence' in three unions</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>04/04/03</td>
<td>-1. President Mwanawasa</td>
<td>Appeals to striking workers</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>-2. Minister N. Zimba</td>
<td>Sioma/Liuwa national parks</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>-3. Minister N. Zimba</td>
<td>Dissolves MMD committees</td>
<td>5</td>
</tr>
<tr>
<td>07/04/03</td>
<td>Bulletin not available</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/04/03</td>
<td>-1. PS Peter Mumba</td>
<td>Lilayi Police Training Sch.</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>-2. Mayor Kabungo</td>
<td>Bans use of metal containers</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>-3. D/Minister Mushala</td>
<td>Mutanda/Chavuma Road</td>
<td>5</td>
</tr>
<tr>
<td>11/04/03</td>
<td>-1. President Mwanawasa</td>
<td>Govt. rejects TST contract</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>-2. President Mwanawasa</td>
<td>Bumper harvest expected</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>-3. Ex-Prisoners Trust</td>
<td>Conjugal rights for inmates</td>
<td>6</td>
</tr>
<tr>
<td>14/04/03</td>
<td>-1. President Mwanawasa</td>
<td>Addresses a rally in Chipata</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>-2. Senior Chief Mwata Kazembe Council/traditional rulers</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>-3. World Food Programmes</td>
<td>Food distribution in Kalabo</td>
<td>5</td>
</tr>
<tr>
<td>17/04/04</td>
<td>-1. Unionists calls on President Mwanawasa to unify the nation</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>-2. Magistrates Association calls on President Mwanawasa to pay</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. Police PR Muntamba D/Minister Mwaimba arrested</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>20/04/03</td>
<td>-1. Minister M. Mabenga</td>
<td>Signs commitment against Malaria</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>-2. Minister G. Kunda</td>
<td>AFRONET’s Ngande on CRC</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>-3. Suspended V. Kayope</td>
<td>handover of govt. bulldozer</td>
<td>7</td>
</tr>
<tr>
<td>23/04/03</td>
<td>Bulletin not available</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24/04/03</td>
<td>-1. D/Minister A. Banda</td>
<td>Advice to farmers on maize price</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>-2. UNZA Crisis Committee on reopening of campus</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>-3. Chief Mukuni urges politicians to help fight poverty</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>27/04/03</td>
<td>-1. President Mwanawasa</td>
<td>describes tour of India as successful</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>-2. D/Minister G. Samukonga</td>
<td>Signs MOU in India</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>-3. President Mwanawasa</td>
<td>praised for constituting the CRC</td>
<td>5</td>
</tr>
<tr>
<td>30/04/03</td>
<td>Bulletin not available</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: ZNBC Archives
This chart shows that most of the stories in this particular month were centred on government activities. The top three stories were 90 percent on the President and his ministers.

This trend has continued and is likely to continue even after the enactment of the ZNBC (Amendment) Act of 2002. This is so because the control of the Corporation is still from the Ministry of Information and broadcasting who own the station on behalf of the people of Zambia.
3.10 CONCLUSION

Although ZNBC had become more accommodating towards the opposition than the UNIP government was, complaints from the opposition continue because their news and views are not usually broadcast especially during elections.

The autonomy of ZNBC has often been called in question, especially during elections. In public broadcasting, there is need for a clear policy regarding the coverage of election, especially in view of the differing political and other opinions in the country to avoid complaints or accusations of bias towards the ruling party.

Political interference, though denied by the government, plays a fundamental role in ZNBC’s presentation of news bulletins, starting with how the reporters and cameras are assigned, to how the stories are lined up and presented.

Unless an effective editorial policy is put in place, ZNBC will continue operating like a government mouthpiece and not a public broadcaster.
CHAPTER 4:
THE ZNBC ACT

4.0 INTRODUCTION

At independence, Zambia inherited several stringent laws that were used by colonial masters to suppress the black indigenous people. To date some of these laws are still there and are as vague as ever.

There have been several attempts to amend laws related to the media, including the ZNBC Act of 1987. However, this effort has been futile until recently when opposition members of parliament presented to the House three bills on media reforms.

Although the motion was rejected it was praised as having forced the government to work quickly to present its own media bills to parliament. Of the three media bills presented to parliament by the government, two have been assented to and are now law, while the Freedom of Information Bill was withdrawn. The two that have become law are the Independent Broadcasting Authority –IBA- Act No. 17 of 2002 and the Zambia National Broadcasting Corporation –ZNBC- (Amendment) Act No. 20 of 2002.

This chapter looks at the ZNBC Act of 1987 and its amendment of 2002. It explains how ZNBC was managed under the 1987 Act and how it is expected to run after the amendments of 2002.

The chapter further gives the ideal situation for editorial independence in public media and later explains the situation pertaining at ZNBC, and what the Corporation can do to achieve editorial independence.

The chapter will also looks at the BBC Charter and the laws governing the SABC and compare them with the ZNBC Act.
4.1 THE ZNBC ACT OF 1987 AND ITS AMENDMENT OF 2002

The ZNBC Act of 1987, which is the principal Act, was established to provide for establishment of the Corporation, "to define the functions and powers of the corporation; to provide generally for the control and regulation of broadcasting and diffusion services; and to provide for matters connected with or incidental to the foregoing".\(^{51}\)

However, the functions of controlling and regulating of broadcasting and diffusion services and matters connected with or incidental to these functions is now vested in the IBA.\(^{52}\)

Section 3 of the ZNBC Act establishes the Corporation as a body corporate with perpetual succession, having independent legal personality.

This means ZNBC is a legal entity detached from its directors, managers and workers. It can sue and be sued in its own capacity just like any company established under the Companies Act.\(^{53}\)

The 1987 Act has been amended and several sections have been repealed and replaced by the ZNBC (Amendment) Act No. 20 of 2002.

Section 2 of the principal Act has been amended by the deletion and insertion of certain new definitions.

Under Section 4 of the 1987 Act, the Minister of Information and Broadcasting was mandated to appoint members of the ZNBC board.

This section has been repealed and replaced with sections 4 and 4A as amended by the ZNBC (Amendment) Act of 2002.

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\(^{51}\) Preamble of the ZNBC Act No. 16 of 1987.

\(^{52}\) Independent Broadcasting Authority Act No. 17 of 2002, Section 5.

\(^{53}\) Cap. 388 of the Laws of Zambia.
The 2002 Act now provides that the ZNBC board shall be appointed by the Minister on the recommendation of the appointments committee and only after ratification by the National Assembly.\textsuperscript{54}

Unlike the 1987 Act, which gave the Minister discretion to appoint board members, the 2002 Act gives conditions for one to qualify as a member of the board.

Section 4 (3) requires that in order for a person to qualify to be appointed to the Board, they should be committed to fairness, freedom of expression, openness, and accountability.

Sub section 5 of Section 4 further says:

"A person shall not be appointed as director if that person-
(a) is not a citizen of Zambia;
(b) is not a permanent resident in Zambia;
(c) is a member of Parliament or local authority;
(d) is an office bearer or employee of any political party;
(e) is an immediate family member of a person referred to in paragraph (d);..."

This provision is trying to ensure that members of the ZNBC Board are citizens of Zambia who are not compromised by political affiliation or any other factors that can influence their role as officers representing a public broadcaster with divergent views. They will be required to exhibit impartiality and fairness in dealing with all Zambians of different political, religious, inclinations and economic backgrounds.

Previously, the appointment of the board members by the Ministers meant that their allegiance was with the appointing authority, the Minister or the government of the day, which the Minister belongs to. But now one has to first qualify, and once appointed to the ZNBC Board and ratified by the National Assembly, there will be security of tenure for the members and this will enable them discharge their duties

\textsuperscript{54} Ibid; Section 4(1) and (2).
effectively without fear of being removed by the Minister.

Section 4 (7) of the 2002 Act, affirms the Board’s authority and autonomy by providing that “the Board shall not be subject to the discretion of any other person or authority”.

The Minister’s role in the appointment of the board members is very limited. His role is only to “constitute an ad hoc appointments committee consisting of the following:

(a) one member nominated by the Law Association of Zambia;
(b) one member nominated by a non-governmental organisation active in human rights;
(c) one member nominated by religious organisations; and
(d) one member nominated by the Ministry responsible for information and broadcasting.”

What this provision does is to effectively remove the Minister’s powers to appoint members of the Board and ensure that the members do not owe their allegiance to the Minister.

The Minister’s powers are further reduced because he/she cannot handpick people to sit on the Appointments Committee. He/she can only pick one person to represent government interest but the rest of the members of the Committee are nominated by the three independent organisations.

The functions of the Appointments Committee are stipulated in Section 4A (4) and the Committee will determine its own procedure to arrive at the members to be appointed by the board.

However, there are certain weaknesses with this amendment, which can still enable the Minister, appoint people he/she likes or those who he/ she thinks will work with the

55 Ibid; Section 4A (1).
56 Ibid.
57 Ibid; Section 4A (5).
government.

The fact that the Appointments Committee only selects candidates and forwards the recommendation to the Minister, means that the committee does not have the power of appointment.

The Appointments Committee in effect is an interviewing panel to disqualify or qualify people on the basis of Section 4 (5) of the ZNBC (Amendment) Act.

Furthermore, the Act also does not provide a guideline on how the many religious organisations and the many NGOs dealing in human rights will nominate their representatives to seat on the Appointments Committee.

In addition, the Act is quiet on the issue of rejection by the Minister of some or all members recommended by the Appointments Committee. The Act assumes that there will not be any conflicts between the Minister and the Appointments Committee in their selection of candidates, and therefore does not address this matter.

The Act further does not provide for a forum for the general public to scrutinise or submit to the appointments committee information they have on the candidates. It should have provided for a session or allowed for members of the public who have information on candidates to do so. This would have enabled the committee to get full information, which they may not have on the candidates.

Another notable anomaly of the Amendment Act is that it has removed the role of the Board in running the affairs of ZNBC. Before the amendment, Section 4 (1) of the 1987 Act gave the Board of Directors power to control the operations of the Corporation, subject to the provisions of the Act.

The amended section only gives the ZNBC Board power to perform the functions of the Corporation under the Act\(^5^8\), which are stipulated in Section 7 of the 2002 Act. This gives the Corporation a whole range of functions, which in my considered

\(^5^8\) Ibid; Section 4(1).
opinion, are not and should not be performed by the Board but by the ZNBC management and its workers.

The role of the Board, in my opinion, should have been that of regulating, formulating objectives and monitoring the performance of the Corporation. The Board of Directors should act as trustees of the public interest and this aspect is missing from the amended Act.

In other public broadcasting stations such as the South African Broadcasting Corporation –SABC- and the British Broadcasting Corporation –BBC-, the board of directors is responsible for the general policies. For instance, at the BBC, the governors, as the board members are called, approve the budget and policies of the Corporation. They set the objectives and monitor the performance of the BBC on behalf of the people.

In Australia, the Board of Directors of the Australian Broadcasting Corporation –ABC- has an obligation to preserve the independence and integrity of the public broadcaster.

In the 2002 Act the role of the ZNBC Board of Directors is not clearly defined as the case was in the 1987 Act, which specifically said the Board of Directors shall control the operations of the Corporation.

Another glaring defect in the ZNBC Act is the lack of grounds for dismissing a Director-General. The Act is specific on how a member of the board can resign or be removed but is silent on how the Director-General should be removed.

The changes made to Section 17 of the 1978 Act leaves much to be desired. Paragraph (b) of subsection (1) has been changed with the deletion of the words “the approval of” and has been substituted with the words “prior consultation with”.

The ‘prior consultation with’ the Minister effectively means that he/she has to sanction or not sanction the move by the Board to remove the Director-General. This does not give the Board the liberty to act against an erring Director-General because
the Minister will always have to be ‘consulted’. The change of words is only semantics but the meaning is the same. Why should the Board ‘consult’ the Minister when it has been given powers to appoint or disappoint a Director-General?

It is important to secure the office of the Director-General so that it is not left at the mercy of government changes or the mood of politicians or indeed the board members. The grounds for dismissing the Director-General must be set out very clearly to avoid arbitrary dismissal.

Amongst the many functions of the Corporation under Section (7) subsection (1), the one that is of interest to this study is (m). This provides for the Corporation to “broadcast news and current affairs programmes which shall be comprehensive, unbiased and independent” and commentary which shall be clearly distinguished from news;…”

This does not guarantee free and fair coverage of all political players especially during elections. The term ‘balanced programming for all sections’ does not mean editorial balancing of news stories but only means balancing the programming to carter for a cross section of the population.

Seven new paragraphs were added to the powers of the Corporation as contained in the Schedule.

Of the seven additions, Section 34 of the ZNBC (Amendment) Act is valid for this study as it gives the Corporation power “To implement the editorial policies of the Corporation and maintain editorial independence;…”

The Corporation has been using a Producer’s Guideline, which was more or less copied from the BBC. But now ZNBC has come up with its own editorial policy, which is still with the printers. It is hoped that the editorial policy will enable

59 My own italics and bold.
journalists and broadcasters at ZNBC operate independently.

But the question still remains whether or not ZNBC can maintain editorial independence when it is still under the control of the Ministry of Information and Broadcasting.

The powers of the Minister to direct and run the affairs of ZNBC are also evident in the Schedule, which was only amended in part. Some of the other provisions have been left intact.

For instance, the Corporation cannot “sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with any movable assets” without the approval of the Minister.\(^{60}\) And furthermore, the board cannot invest any monies not immediately needed for use without the approval of the Minister.\(^{61}\)

In sum, the amendments have not really answered several concerns of the common man. The amendments have not moved ZNBC from state control to public control. This is seen in several provisions in which the Minister is still instrumental in the running of the Corporation.

\(^{60}\) ZNBC Act No. 16 of 1987, Schedule at 14.

\(^{61}\) Ibid; at 18.
4.2 EDITORIAL INDEPENDENCE

As mentioned above, ZNBC is required by law to maintain editorial independence. This means that the Corporation should be independent of political, economic and social interference in its coverage and transmission of programmes.

However, this is not so because of political pressure and patronage by the Board and sometimes some members of the management team.

Barker says editorial independence means being free from interference by government or the governing board, in our case, the ZNBC Board. This means that the Board and the government should not have any say in the way the news or programmes are prepared and presented.

The Media Institute of Southern Africa –MISA- defines editorial independence as:

"the right of journalists and editors to make decisions on the basis of professional criteria, consistent with international standards, such as newsworthiness of an event or its relevance to the public’s right to know and in accordance with international codes of ethics of journalism".

This means that insofar as the journalism profession is concerned, only journalists and their editors should be able to decide on what newsworthy story should go in what bulletin, or at what slot.

The charts in Chapter Three above do not show that ZNBC is going that direction. What the charts indicate is that journalists and editors at ZNBC would rather lead with the President or his ministers regardless of the newsworthiness of what they say.

News staff in a public broadcaster must constitute a group of neutral, non-partisan operatives who should adhere to the ethics and profession of the journalism.

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62 Ibid; Schedule, paragraph 34.
64 Ibid; p. 3
In some of the interviews I conducted at ZNBC with senior editors, it was indicated that there was an ‘invisible’ hand or voice giving out occasional instructions.

In one of the questions I asked whether journalists at ZNBC were editorially independent, most said they were not and a few said they were partially independent. Some said “most of the stories are slanted towards the government while those stories critical of government are either removed (blackout) or draw angry reactions from the State”.65

Another response was that there are always guidelines from the government on how to go about certain things.

One of the senior journalists who sat in the editorial committees during the ‘third term’ debate, before and after the 2001 elections, confirmed that there were direct instructions from the Ministry of Information and Broadcasting during these times. He alluded to a situation where the Acting Director of Programmes always reminded the editors that they had families to look after and that they should not bite the finger that fed them, in reference to the government.

The editor said in one of the meetings, the Acting Director of Programmes alluded to the fact that he had a list of people who were not to be covered or if they were covered, they were not to be used on ZNBC news unless and until they were clear by ‘some officials’. Although this list was never shown to the editors, it became apparent that it included all former MMD members who had defected to form their own political parties.

After the 2001 elections this particular director was moved to another department.

Mr. Nkamu Nkamu who was Controller News and Current Affairs during the height of the ‘third term’ debate and the 2001 campaign and the actual election, was removed from his position following a story about opposition Forum for Democracy and Development –FDD-, President Christon Tembo on ZNBC news.

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65 The interviews were conducted at ZNBC with senior staff of the newsroom and television section.
Mr. Nkamu was on 7th December 2001, transferred to the Human Resources Department as a Transport Officer. The reason given by the ZNBC management was that he had abrogated the rule that no item from the opposition should be aired if it is against the MMD government.⁶⁶

It is therefore evident that ZNBC editors and journalists act under external influence from the party in government. And the trend has not changed since the days of UNIP and Dr. Kaunda.

It is also important to note that the repeal of Part IV of the 1987 Act, removed the powers of the Minister to prohibit the Corporation from what, in his opinion, he would consider as defamatory, blasphemous, obscene or seditious.⁶⁷

So in terms of editorial independence, there is need for political will to enable the enactment laws that guarantee of the independence in the constitution. A mere mention as is the case in the ZNBC Act is not enough.

There is also need for the protection of editors and journalists at ZNBC so that they work professionally. What has been happening where journalists and editors who are adjudged to be ‘anti-government’ are victimised and transferred to irrelevant departments, requires a serious reflection of the stakeholders who include the journalists themselves and the general public.

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⁶⁷ ZNBC Act of 1987, supra Section 27
THE IMPACT OF THE INTRODUCTION OF TV LICENCE FEES ON THE
CONTROL OF ZNBC

The impact of the introduction of Television Fees in Zambia will be seen in the way ZNBC will operate.

Before 2002, ZNBC depended on state grants and advertising revenue for its operations and this meant that it was a de facto State apparatus. Although the State still funds ZNBC through a monthly grant, it is expected that with the re-introduction of TV Licence Fees, the Corporation would be able to fend for itself. This will entail that ZNBC will have completely ‘cut ties’ with the government.

Government, through the ZNBC (Amendment) Act of 2002, has introduced TV Licence Fees. Part IV of the principal Act was repealed and has been substituted with a new part.

Section 25 gives terms and conditions under which a person in Zambia shall own a television set. It provides for the payment of a fee for private household, motels, inns, motels, lodges, guesthouses, clubs, holiday resorts or other commercial enterprises to be determined by the minister on the recommendation of the Corporation.

The Act exempts bona fide tourists visiting Zambia from paying this fee. The Act further makes it an offence for anyone to own or operate a television set without a licence and such a person would be liable, on conviction, to a fine not exceeding one thousand units.

Licensing of television sets has been the historical form of financing public broadcasting. In principle they create a direct relationship between the broadcaster and its public, the citizens.

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68 ZNBC (Amendment) Act, supra, Section 25 (1).
69 Ibid; Section 25 (2).
70 Ibid; Section 25 (3).
71 Ibid; Section 25 (4).
72 Ibid; Section 25 (5).
This should not be the only way of financing for the public broadcaster. In the case of ZNBC, the fee charged at the moment is a minimal K3,000=00, which is equivalent to less than a dollar. With the estimated 350,000 television sets in the country, this still falls short of the total amount of money required to run a public, national broadcaster.

Therefore, it is prudent that public broadcasters open up to advertising or resort to it more or embark on new subscriber services that would bring in more money. As for ZNBC, it has already embarked on advertising ventures that help it generate money through the sponsorship of programmes such as Isidingo, Kabanana, soccer matches and many others.

However, we should be mindful not to let ZNBC into a very competitive position, which will make its hustle for advertising revenue to ensure its survival. If this happens there is a likelihood that the commercial forces may compromise the independence the public broadcaster seeks to attain.

A study commissioned by the BBC to look at the comparative situation of public broadcasters in 20 countries on four continents shows that “the higher the advertising figure as a proportion of total revenues, the less distinctive a public broadcaster is likely to be.”

The same study further said licence fee financing on the contrary has an advantage because it guarantees the public broadcaster a stable financial base from which it can plan and devise more forms of programming.

As the report on public broadcasting by the World Radio and television Council indicate;

"-Financing must be substantial so that public broadcasting can be a counterweight to commercial services…
-Financing must independent from both commercial and political pressures;…"

-Financing must be predictable; its stability and multi-year character must therefore be assured...

-Financing, finally, must be growing according to the broadcaster’s costs, simple and equitable to avoid political controversy…”\(^7^4\)

As the Tongue Report\(^7^5\) says there is no perfect plan to finance public broadcasting but we should be mindful that it is necessary to adequately fund the public service broadcaster in order to carry out its mandate and mission for the public good. Above all, adequate funding of public broadcasters guarantees its independence from political and commercial interferences or pressures.

But in the case of ZNBC, it will be difficult to achieve independence even with the introduction of TV Licence Fees. This is due to the fact that ZNBC is still owned and controlled by the State. The building and the equipment ZNBC is using belong to the government.

As long as the change of ownership from the State to the public is absent in the Act, the Corporation will always be answerable to the government of the day. And who know, this government may be tolerant to certain issues but there may be a government in future that will misuse the Corporation for its own gain.


The South African Broadcasting Corporation –SABC- is South Africa’s national public service broadcaster. It broadcasts 20 internal radio stations in 11 languages. It also transmits an external radio service in 4 languages.

SABC has 6 television channels of which 4 are free-to-air including Bop TV, which has been integrated with the Corporation. It also has 2 satellite pay channels.

SABC is governed by Charter in accordance with Section 8 of the Broadcasting Act No. 4 of 1999 of the Laws of South Africa.

The new Act established the SABC as a public company with the State as sole shareholder but its Charter outlines how the Corporation is to be governed independent of the State.

The Board of the SABC is nominated by the public, elected by the Parliamentary Portfolio Committee on Communication, and appointed by the President. The Board, whose role is to control the affairs of the Corporation, has tenure of five years. It also has specific obligations to protect the independence and freedom of SABC.

The SABC has undergone a number of changes in recent years to bring it into line with new democratic dispensation and to ensure that it serves the needs of all citizens of South Africa. This has been possible by the enactment of a new Broadcasting Act of 1999, which replaced the 1976 Act.

The British Broadcasting Corporation –BBC- is established under Royal Charter, whose current term runs until 2006. A separate Agreement, accompanying the Charter, recognises the BBC’s editorial independence and sets out its public obligations.
The BBC is run in the interests of its viewers and listeners by twelve governors, appointed by the Queen on advice from ministers. The governors act as trustees of the public interest and regulate the BBC.

The BBC’s governors also safeguard the Corporation’s independence, set its objectives and monitor its performance. They are accountable to its licence payers and Parliament, and publish an Annual Report assessing the BBC’s performance against objectives.

16 divisions, which are headed by directors, run the day-to-day operations of the BBC and they report to the director-general. This forms the Executive Committee, which answers to the Board of Governors.

Some of the functions of the executive committee, which can be equated to the ZNBC management, is to runs the BBC in the public interest by proposing key objectives, developing strategy and policy in light of the set objectives and operating all services within the strategic and policy framework.\(^\text{76}\)

The Board of Governors, on the other hand, ensures that the BBC serves the public interest by setting key objectives, approving strategy and policy, monitoring performance and compliance, and reporting on both in the Annual Report.

They also ensure public accountability, appoint the Director-General and other Executive Committee members and determine their remuneration.

There is a distinction between BBC governors and directors of public companies, whose primary responsibilities are to shareholders and not consumers. BBC governors represent the public interest, notably the interests of viewers and listeners and therefore they are answerable to the public and not the government.

\(^{76}\) Information obtained from the BBC website.
4.5 CONCLUSION

This chapter looked at the ZNBC ACT of 1987 and its amendment of 2002. It also compared the Act governing ZNBC with those of the SABC and the BBC, which are seen by many in the world as shining examples of state-owned media that have been transformed into public-owned media.

This chapter has shown that there is more that needs to be done in order to ensure that ZNBC attains the independence it requires to operate as a true public broadcaster that will be answerable to the people and not the government of the day.

The next chapter therefore gives recommendations and concludes the study.
CHAPTER 5:
CONCLUSION AND RECOMMENDATIONS

5.0 INTRODUCTION

This chapter concludes the study and gives a summary of what the study has come up with.

The study starts by stating whether ZNBC is a state-owned or public-owned broadcaster, then it gives recommendations that would help transform the broadcaster.
5.1 SUMMARY

The aim of the study was to try and determine whether ZNBC was a state-owned or a public service broadcaster. The study looked at the way ZNBC operates through the coverage of news stories during different periods from the time it was turned into a Corporation to date.

Interviews and content analysis of actual bulletins were used to determine the extent of political interference on ZNBC editorial policy.

The study has demonstrated that the government has a major role to play in the way ZNBC operates and it also has a major role to play to transform the Corporation into a truly public broadcaster.

The study has also shown that those holding power tend to abuse, intimidate and interfere with journalists at ZNBC.

It has given recommendations on how best ZNBC can be transformed into a public service broadcaster, representative of all Zambians.

In order to qualify as a public broadcaster, a media should have certain traits that would be required to operate as such. We have seen from the study that ZNBC still runs short of many of these traits. Some of the qualities for a public broadcaster missing in the ZNBC establishment are autonomy and independence from political interference.

This confirms that ZNBC is still state-owned because it is still being controlled from the Ministry of Information and Broadcasting. The news being churned out by ZNBC shows that it is biased towards the political party in government. The study has also shown that this is so especially during elections.

The study indicates that journalists and editors do not make decisions based on their professional judgements but are ‘directed’ or ‘told’ how to present their news to the people.
It clearly shows that this is not what is expected from a media professing to be public. When compared with other public broadcasters such as the BBC and the SABC, the study confirms that ZNBC has not yet reached the stage where it can be called public because it is still giving a service to the ruling party and not the public per se.

This study has shown that ZNBC is still, even up to this time (2003), operating as a *de facto* state apparatus being used to promote the interest of the government.

The content analysis of selected bulletins during different times confirms that the government is still controlling ZNBC.

But with the re-introduction of TV Licence Fees, it is hoped that the citizens will now have a say in the affairs of the Corporation. With the amendments to the ZNBC Act now in place, it is hoped that the Corporation through its Board of Directors will operate independently and serve the public instead of the government in power.

In the new democratic dispensation Zambia finds herself, there is more than ever a demand for a public media that will truly demonstrate the role of a public service broadcaster and carter for all sectors of the population.

This can be achieved if the government’s control of ZNBC’s editorial decisions is left to the journalists themselves. The study has confirmed that the selection of news items by journalists is influenced by external factors, especially the politicians who dictate the way ZNBC will cover, prepare and transmit its bulletins.

From the study, it can be deduced that despite the amendments to the ZNBC Act there are further reforms required to the Act. And the interference by political players, especially from the ruling government, confirms that there is need for political will to give ZNBC its independence and autonomy.

Only then can we call ZNBC a public service broadcaster.
5.2 RECOMMENDATIONS

There are certain traits that are expected of a public broadcaster and these have already been alluded to above. For ZNBC, the following measures are required to attain the status of a true public broadcaster;

1. There is need for the independence of the Corporation to be guaranteed by the Constitution. Chapter 12 of the Ghanaian Constitution guarantees the freedom and independence of the media. Article 163 of the Ghanaian Constitution goes further to particularly ensure that all state-owned media “afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions.” There is need for further reforms to the ZNBC Act. This study has shown that there are certain loopholes in the 2002 Act, which makes the politicians still have a say in the running of ZNBC.

2. Because ZNBC is now being financed directly from the public, through the payment of the TV licence fees, expectations from the public are high. Therefore, the Corporation should provide unbiased information that should enable citizens to form informed opinions. If not objective, the information should at least be unbiased. Public broadcasting must appeal to a cross section of the society and must also appeal to their intelligence and understanding.

3. The programming by ZNBC must cut across different categories of the people in the country. It must have a national content and not only appeal to one section or region of the population. It is important that this news and information is not biased towards one group of the population but must cater for all, irrespective of their political affiliation, race, tribe, creed or religion.

4. ZNBC should be accountable to the public through either Parliament or an institution that would look at the interest of the listeners and viewers. The Independent Broadcasting Authority –IBA–, though given the powers to monitor broadcasting stations including ZNBC, has no mechanism for submissions of complaints by the public. Even if Section 5 (i) provides that the IBA can “receive, investigate and decide on complaints concerning broadcasting services including public broadcasting services”, the Act does

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78 Independent Broadcasting Authority Act, No. 17 of 2002, Sections 5 (e) to (j).
not stipulate what is to be done to an erring media. Therefore, there is need to empower the IBA to do more than just ‘decide’ on complaints received. ZNBC should be accountable to the citizens and not the government. There should also be a body to look into the interests of the public. This body should operate, as an independent body to receive, investigate and take action, where necessary, against the Corporation if the complaints from the public are proved correct. As mentioned earlier the provisions in the IBA do not prescribe what is to be done after the Authority has done its investigations and ‘decided’. Although the IBA is a regulatory body, which is mandated by law to supervise broadcasting stations\(^7\), it does not guarantee the independence of the Corporation. In other countries such as Canada, the public broadcaster, the Canadian Broadcasting Corporation –CBC- has created a position of ombudsman. Citizens can make their viewpoints known to the ombudsman and can submit their misgivings, especially in the journalistic field. This is one of the many means of ensuring that the public broadcaster discharges its responsibility to the public.

5. In looking for regulating bodies, it is important to ensure that ZNBC is not accountable or answerable to too many bodies. It could be embarrassing if instructions were to come from many bodies as these may contradict each other. At the moment ZNBC is answerable to the Minister, through several provisions of the ZNBC Act and its amendment of 2002. It is also accountable to the IBA through the IBA Act.\(^8\)

6. ZNBC should develop principled resistance to efforts by the government or other political and commercial players outside itself to subvert its independence, integrity as a public media and ability to serve the general public. As ZNBC moves to achieve independence, the goal must be to make its relationship with government as transparent as possible and discourage any attempt by the government to interfere. The Act should clearly provide that ZNBC should be accountable to the people of Zambia through Parliament and not to the executive, through the Minister as the case is at the moment.

7. Members of the ZNBC Board of Directors should be nominated by the public

\(^7\) Ibid; Section 5 (e) to (j).
\(^8\) Section 3 of the IBA Act, supra, gives supremacy of the provisions of the Act to any written law relating to regulating and diffusion services, to the extent of the inconsistency between that law and the IBA.
or at least, if nominated by an independent body as the case is with the 2002 Act, the public should be given chance to scrutinise the members through public hearings.

8. There is also need to put up measures to ensure that there are checks and balances within ZNBC, especially among journalists. Most journalists at ZNBC do not belong to professional bodies such as the Press Association of Zambia –PAZA- or the Zambia Independent Media Association –ZIMA. The journalists are lumped together with other workers in a union of communications workers. This union looks at the general welfare of the workers, including journalists, but does not prescribe ethical conduct and does not protect the independence of the journalists. It is a labour union primarily concerned with the conditions of service of all the workers. In order to operate professionally and be protected professionally, ZNBC journalists should belong to professional bodies that would look into their professional interests.
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