

## **MISA Zambia**

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### **State of the Media Report for the first Quarter 2006**

- 1.0 Introduction to the State of the Media in Zambia first Quarter 2006**
- 2.0 Media Environment during the first Quarter of 2006**
- 3.0 Broadcast Media during the first Quarter of 2006**
- 4.0 Freedom of Information during the first Quarter of 2006**
- 5.0 Print Media during the first Quarter of 2006**
- 6.0 Attacks on MISA members and non-MISA members during the first Quarter of 2006**
- 7.0 Media violations during the first Quarter of 2006**

## 1.0 Introduction to the State of the Media in Zambia first Quarter 2006

The *State of the Media* Report is a quarterly assessment of the media environment in Zambia. This *State of the Media* report is for the first quarter of 2006. This assessment and record describes the media situation in Zambia and was prepared by the Zambian Chapter of the Media Institute of Southern Africa – (MISA Zambia). This includes the environment in which media institutions exist and operate and how that environment affects individual journalists.

As indicated in the past quarterly *State of the Media* reports MISA Zambia has contributed a chapter on the state of the media in Zambia in the publication *So This is Democracy* produced by the regional office in Namibia. MISA Zambia has continued to contribute information to this publication. However, a local quarterly *State of the Media* report keeps abreast with the unfolding events affecting the media within the country, to keep media personnel, other stakeholders and the donor community better informed about developments in Zambia's media.

In this report, MMD chairperson for Information and Publicity Benny Tetamashimba exposed the letter, which appeared in the *Post* on January 20 purporting to have been authored by President Mwanawasa as fake. Tetamashimba, who is also deputy minister of Information and Broadcasting said the letter was not written on State House-headed paper and the signature at the bottom of the letter was not the president's.<sup>1</sup>

As a result of the letter PF leader Michael Sata was jointly charged with Inspector Clement Banda of Matero police for forgery and uttering false documents<sup>2</sup>

Of interest during the quarter is the decision by *Post* employees. For the first time employees of an organisation resolved during a staff meeting that wife battering should warrant an instant dismissal.<sup>3</sup> This was also important because *The Post* is a media organisation. WOMEN for Change executive director Emily Sikazwe commended *The Post* employees for their resolution.<sup>4</sup>

Dominant news during the quarter is the decision by Finance minister to introduce the new VAT on newspaper sales. Despite this dominance Information minister Vernon Mwaanga on February 12 merely sympathised with the newspaper industry on the new VAT and claimed, he could do little because the decision was collective. Mwaanga said Cabinet approved the decision and he could, therefore, not single-handedly reverse it.<sup>5</sup>

At a public lecture University of KwaZulu-Natal lecturer for culture, communication and media studies Professor Keyan Tomaselli observed that Fax and Internet facilities had made journalists lazy. Tomaselli was addressing participants at the Kasoma Media Foundation Sub regional conference on educating and training of journalists held at American Center in Lusaka. He said because of fax and Internet

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<sup>1</sup>Mail Jan 21, 2006

<sup>2</sup>Mail Jan 24, 2006

<sup>3</sup>Post Feb 5, 2006

<sup>4</sup>Post Feb 7, 2006

<sup>5</sup>Times Feb 13, 2006

facilities, journalists rarely go out to look for news.<sup>1</sup>

A ZAMWA workshop organised in conjunction with Norwegian NGO Fredskorp Southern Africa Regional Officer (FK-SARO) discussed “The Role of the Media in a Corruption Free Electoral Process in Zambia.” The workshop was attended by about 40 journalists both men and women and was opened by deputy Home Affairs minister Justin Chilufya. It was also attended by FK-SARO Director General Tor Eden. FK-SARO opened an office in Lusaka in September 2005.<sup>2</sup>

Though raised at the end of this brief complaints on the availability of mobile facilities abound across the country and are dealt with under media environment and broadcasting. But to be noted here is the comment by former Republican vice-president Enoch Kavindele. He revealed that the introduction of mobile phones in rural areas had become expensive. Contributing to debates on the estimates of supply and expenditure for the Ministry of Communications and Transport, Kavindele who is Kabombo West MMD member of parliament said people in rural areas had learnt how to ‘page’ and those that receive supposedly missed calls had no option but to call back.<sup>3</sup>

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<sup>1</sup>*Post* Mar 6, 2006

<sup>2</sup>*ZAMWA workshop* 9-10 March, 2006

<sup>3</sup>*Post* Mar 10, 2006

## **2.0 Media Environment during the first Quarter of 2006**

The media environment was given a boost by the final draft constitution. The draft constitution stated that Parliament should enact legislation to promote the independence and impartiality of the public media. In addition, the legislation to be enacted should provide for reasonable allocation of airtime and space in the public media to all political parties either generally or during election campaigning. The recommendation further stated that journalists should not be compelled to disclose sources of information except as may be determined by the courts of law. And to ensure freedom of the media, the draft recommended that there should be no law to make any provision that derogate freedom or independence of the press while the electronic media should only be subjected to fair licensing procedures administered by a body independent of the control of government, political or commercial interests. Registration and licensing of any media institution should not unreasonably be withheld, withdrawn, or refused by government. Any person, state organ or institution, shall not require prior licensing for any form of publication, broadcast or dissemination of any information, comment or opinion.<sup>1</sup>

In addition, in trying to increase media environment MTN Zambia on Jan 6 gave away an Opel Corsa motor vehicle worth \$20,000 to a subscriber and winner of a competition during a draw in Kitwe. Speaking after the draw sales and marketing group executive Freddie Mokoena said MTN's desire in Zambia was to make the lives of its subscribers better by making communication cheaper and accessible to everyone in the country.<sup>2</sup> At another level, the Information ministry said it would soon carry out a campaign to sensitize small, medium, and large-scale business companies against software piracy. Information ministry Registrar of Copyright Dorcas Ilunga-Chileshe said the ministry would write to these institutions countrywide to ensure their awareness of the existence of copyright law. "These companies will then be requested to evaluate the computer software they are using and the number of licences they have for such software. They will also be asked to sign a declaration that can be used to confirm the usage data supplied," Chileshe said.<sup>3</sup>

On the general media environment, MISA Zambia Chapter deplored President Levy Mwanawasa's silence on the media in his speech to Parliament claiming this had dampened hopes of the government implementing media law reforms. In a statement, MISA Zambia chairperson Kellys Kaunda said it was disappointing that President Mwanawasa did not address issues affecting the media in his speech to Parliament on January 13, 2005. Kaunda said in the aftermath of the government's refusal to implement the Independent Broadcasting Authority (IBA) and Zambia National Broadcasting Corporation (ZNBC) Amendment Acts, President Mwanawasa's silence on the media had sent a loud message to the media that media law reforms were not on the government's agenda this year. But Kaunda urged government to implement the ZNBC Amendment Act and the IBA Act to avoid bias in the granting of airtime on ZNBC to interested stakeholders.

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<sup>1</sup>*Mail* Jan 2, 2006

<sup>2</sup>*Times* Jan 7, 2006

<sup>3</sup>*Post* Jan 10, 2006

“MISA Zambia will not relent in its pursuit of media law reforms until they come to fruition,” said Kaunda.<sup>1</sup>

However addressing the third training programme for new *Post* reporters at the newspaper's offices information minister ignored the matter. Instead, Mwaanga talked about the need for less suspicion of the private media by the government. He urged journalists to uphold their profession's integrity in their execution of duties. The minister noted that the future of the private media in Zambia was very bright. He said the private media, which is led by *The Post*, had an important role to play in society.

It is our duty as writers to ensure that we are as objective as possible," he said. He urged journalists to take their work seriously though sometimes journalists misquote sources, himself included, even from written text. Mwaanga said this only exposed such journalists as not being serious because if they were, they could not misquote sources from written text. He bemoaned what he described as the falling standards of journalism in the country. He said journalism was an honourable profession being the medium through which the public was informed, educated, and entertained. “During my time as editor-in-chief of the *Times*, there were less educated reporters but I admired the professionalism, dedication and commitment they showed to their work,” Mwaanga said. “The standards of journalism were very high at the time.”

However, Mwaanga found it unfortunate that despite increased levels of educational qualification amongst media practitioners in general, the levels of professionalism had gone down instead of going up. “There is need for us to conduct a self-assessment on why the standards have gone down when education levels have gone up,” Mwaanga said. “This is one of the challenges we have to address.” He further said his ministry was still making consultations on the enactment of the Freedom of Information (FOI) Bill. He said the United Kingdom, which enacted the FOI Bill last year was already experiencing problems and intended to make amendments. He said it would be prudent for government to make wider consultations before enacting the bill. In addition, *Post* editor Fred M'membe said it was befitting to have Mwaanga officiate at the training programme because he has a lot of experience in journalism considering he worked as editor-in-chief of the *Times of Zambia* in the early 70s.<sup>2</sup>

The Zambian government moved a stage in the electronic media environment when it introduced the Local Area Networking (LAN) at the Ministry of Finance and National Planning. United Nations Development Programme (UNDP) resident representative Aeneas Chuma said Information and Communication Technology (ICT) was a powerful tool for participation in the global market. Commissioning the LAN of the Ministry of Finance and National Planning, Chuma said ICT was increasingly becoming a powerful tool in promoting political accountability, and improving delivery of basic services and enhancing local development opportunities. Chuma said the LAN would connect the ministry head office with other departments such as the Central Statistical Office (CSO), government stores and Centralised Computerised Services." This will enhance the ministry's capacity to share information in a timely way within the ministry," he said adding this would allow the various departments to access each other's

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<sup>1</sup>*Post* Jan 19, 2006

<sup>2</sup>*Post* Jan 24, 2006

resources and databases quickly to integrate decision-making and development efforts. He said the step taken by the ministry into e-governance was important as it would enable it enhance efficiency, transparency and accountability of its work.<sup>1</sup>

The *Post* continued to expose its trainee-journalists to different people. Sikota Wina advised journalists to be committed to principles of the profession and not to an individual. He observed that Zambia had reached an economic, political, and social crisis. Wina said there was need for journalists to be courageous in their profession. He also backed calls for media freedom saying that there was need for the nation to enact the freedom of information Bill (FOI). “The government should be questioned on certain issues. It's not fair to hide in the name of security. In a modern society, every area concerns the citizens in one way or another,” he said adding that access to information was not a privilege but a guaranteed right of citizens. He said the government press had a lot of brilliant journalists whose skills were being hampered by the environment they operated in. “Government says what they are doing is not self-censorship but of just self-discipline. I don't agree with that because I know how they operate,” Wina said. He further condemned arrests of journalists that are perpetrated by the state.<sup>2</sup> On February 7 Women for Change executive director Emily Sikazwe urged journalists to guard against prejudice in their reporting. Making a presentation on gender and development in the media to *Post* Newspapers trainee journalists, Sikazwe said attitudes and beliefs about women and men had serious implications on the practice of journalism. “The perceptions that we carry from our socialisation have implications on what we become. If your attitudes and beliefs about women are low, that is how you will report them,” she said and urged the journalists to ensure impartiality in their work to guard against stereotyping.<sup>3</sup>

Early in February *Post* employees resolved that wife battering should warrant an instant dismissal. *Post* legal counsel Sam Mujuda said it was impressive for members of staff to make such a resolution and that management would give it all the necessary support. Disciplinary committee chairperson Carol Mwangala said it was just fair for *The Post* to come out openly on women empowerment issues, which include wife battering. “As a newspaper, we champion women empowerment issues. Therefore, it's high time we started implementing them as a company as well,” Mwangala said.<sup>4</sup> WOMEN for Change executive director Emily Sikazwe commended *The Post* employees for resolving that wife battering should warrant an instant dismissal. “Children are the ones that suffer the consequences of violence in the homes and women die as a result of violence so I think *The Post* should be commended because it is high time organisations like *The Post* come out in the open to support issues like this,” Sikazwe said.<sup>5</sup>

However, the media environment and how it affected ordinary people was best illustrated in Northern Province. Kasama residents lamented the limited Internet facilities in the town and the high cost of the services. According to a survey in the town, one had

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<sup>1</sup>*Post* Jan 28, 2006

<sup>2</sup>*Post* Feb 2, 2006

<sup>3</sup>*Post* Feb 8, 2006

<sup>4</sup>*Post* Feb 5, 2006

<sup>5</sup>*Post* Feb 7, 2006

to pay up to K1, 000 per minute for browsing the Internet or using the email facility. Zamtel appeared to be the only Internet service provider in the town. Atlas Digital Links, which relied on dial up connectivity, said the cost of installing a wireless connection was about K15 million. “Even though the dialup connection is very inefficient, it is still much cheaper because if I will have to invest K15 million for a wireless connection, the market here is not that huge to give a quicker return on investment,” said an Atlas Digital Links officer who preferred to remain anonymous.

At Niway, the other Internet cafe that used a satellite dish, connection times are much quicker but the costs are high. For instance, to use an external device such as a memory stick, one is required to pay K30, 000 even if it would take a few seconds or minutes to transfer the information. No doubt the bulk of telephone and Internet services in the country are concentrated along the line of rail and costs get higher as one moved to far-flung areas. Elisha Mwape, a Kasama resident, said most of the Internet cafes in town were charging unreasonable prices for the service. Another resident Juliana Chisanga said though this year's budget had tried to address the high cost of ICT tools, a lot more could be done. “It’s really unfair that in towns where money is even much more harder to come by the cost of services such as Internet is more expensive than in Lusaka,” she said. In this year's budget, the government has reduced customs duty on computer parts from 15 per cent to zero. Finance minister Ng'andu Magande said the measure, which would result in a revenue loss of K935.5 million, was meant to support development in the ICT sector.<sup>1</sup>

A similar problem was expressed by the Catholic Diocese of Mongu director of development Nathaniel Mubukwanu who accused Celtel Zambia Limited of taking Zambians for granted by offering shoddy service. In a letter to Celtel Zambia managing director David Venn dated February 6, 2006 and obtained by *The Post*, Mubukwanu stated that Celtel's service was mediocre. The letter was also copied to Communications Authority of Zambia (CAZ) chief executive officer Shuller Habeenzu. “I wish to register our disgust at the manner in which your company has continued to exploit the people of Mongu with poor network. This situation is not new. We have continued to experience this since Christmas time and there is no effort whatsoever from Celtel to explain why things are like this,” Mubukwanu stated. “I assume we are being taken for granted probably because we are a rural populace. The poor performance of the Celtel network has cost us money, business opportunities and continues to cause serious inconveniences in our operations. We would like to know for how long you are going to continue subjecting us to this mediocre service.” However, Celtel Zambia marketing director Norman Moyo said the company was not aware of any problem in Mongu but that engineers would be sent to address the complaint.<sup>2</sup>

Interestingly President Mwanawasa picked up this theme when he directed mobile phone providers to make their services affordable to Zambians instead of concentrating on expanding their networks. Speaking when he launched the 72 district target programme for Celtel network in Nchelenge on February 10 the president said it would not do for mobile phone dealers to keep on expanding their networks when people could

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<sup>1</sup>*Post* Feb 10, 2006

<sup>2</sup>*Post* Feb 10, 2006

not afford their services. He, however, commended Celtel for setting up towers in 72 districts as that would ease communication process for common Zambians. Mwanawasa said Celtel should strive to empower Zambians through ownership of the company as it had already started. The president noted that Celtel had spent US\$150 million since its inception in 1998 and would in 2006 spend US\$60 million to expand to other towns. He also hailed Celtel for reducing tariffs by 30 percent following the appreciation of the Kwacha.<sup>1</sup>

However, when the question of VAT on newspaper sales broke Information minister Vernon Mwaanga on February 12 could only sympathise with the newspaper industry. He claimed there was little he could do as the decision was collective. In the wake of continued calls by the newspaper industry that the VAT be removed, as it was detrimental Mwaanga said Cabinet approved the decision and he could, therefore, not single-handedly reverse it. "I am a strong believer in collective responsibility and I oppose the principle of collective irresponsibility. The decision taken cannot be altered by one minister," he said.<sup>2</sup>

No doubt, the information minister had a similar negative attitude towards the Freedom of Information Bill. Mwaanga declared he had no immediate intention to table the Freedom of Information Bill in Parliament. He claimed he was currently involved in extensive consultations both locally and internationally because the Bill was not only meant for journalists but for all people. Mwaanga also said next month, his ministry would send the permanent secretary to attend a conference in London to discuss the FOI and to learn how other countries were coping in administering it. He could not comment on the ZNBC and IBA Acts, because the matter was still in court.<sup>3</sup> Mwaanga also revealed that government had so far issued 30 broadcasting licences and that private television stations were at liberty to collect their television levy from people. He was responding to a question from Kafue MP Bob Sichinga who wanted to find out whether public and private broadcasters shared the TV licence levy. Government was also working out modalities to improve on rural TV.<sup>4</sup>

During the quarter, the Communication Authority asked the media to assist enforcing its regulations to ensure effective service delivery in the communication sector. CA deputy controller Richard Mwanza said it was imperative for the authority to collaborate with the media to enforce regulations that would make communication companies accountable to the public and thereby improve service delivery to their clients. Speaking at a media forum in Kitwe on February 16 Mwanza said the media was the most influential stakeholder in any society and should expose ills being perpetrated by some communication companies. Mwanza said the media should take keen interest in the developments taking place in the communication sector so that they could report accurately on communication issues. This, he said, had contributed to the attraction of the two giant communication companies, Celtel and MTN into the country.<sup>5</sup>

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<sup>1</sup>*Times* Feb 11, 2006

<sup>2</sup>*Times* Feb 13, 2006

<sup>3</sup>*Post* Feb 16, 2006

<sup>4</sup>*Times* Feb 17, 2006

<sup>5</sup>*Times* Feb 18, 2006

In an attempt to have conducive media environment the six media bodies commenced contempt proceedings against Information minister Vernon Mwaanga for defying a court order. The six MISA, ZUJ, PAZA, ZAMWA, Society for Senior Journalists and *Post* newspapers sued the minister and the attorney general as first and second respondents over the IBA Act and the ZNBC (Amendment) Act. Earlier they had taken government to court for not taking names appointed to the two boards for ratification by Parliament.<sup>1</sup>

On February 23 MMD deputy national secretary Major Richard Kachingwe joined figures talking 24 *Post* trainee journalists. He advised journalists not compromise themselves by accepting bribes from politicians and to expose injustices without being part of them. Maj Kachingwe reminded the journalists of their watchdog role in society and to uphold the truth in all circumstances. He said information played a fundamental role in national development. “Journalists must be given the information they need and I support you when you ask for freedom of information,” Maj Kachingwe said. “I would like to see improvement in media freedom. I know it is there but I would like to see more and I will be your partner.”

However, Maj Kachingwe who had earlier on in his address pledged to support the press in their fight for a free media indicated that he did not see anything wrong with the introduction of VAT on newspapers and magazines, which the media and other civil societies had labeled as detrimental to the development of the print industry. “VAT is a contribution to the treasury and not a punishment,” Maj Kachingwe said. “It is our obligation for everyone to contribute.” He advised the media to seek audience with the Minister of Finance Ng’andu Magande if they found the VAT to be too high. “If you find it too high go and negotiate but after all, you will just be collecting it on behalf of government,” said Maj Kachingwe.<sup>2</sup>

But complaints by mobile subscribers continued during the quarter. MTN mobile subscribers criticised the mobile company for increasing MTN to MTN tariffs by one cent through the introduction of a 0.29 units flat rate for calls to all networks. “They know that we would definitely want to have cheaper calls to other networks. This is disadvantaging us when we make MTN to MTN calls. So we as MTN clients do not enjoy off-peak calls, and we pay more by one cent per minute,” they complained. However, MTN marketing manager Freddie Mokoena said the company was not in the business of fooling or penalising its customers. He explained that the decision was to peg the flat rate at 0.29 units was to allow for interconnector fees due to other networks “When you call another network, you have to pay them because of the interconnector regime. The problem is that it is not defined, so we are guided by the rates that are set by the Communications Authority,” he said and explained that the mobile company’s network outages would continue for some time as the company replaced the old Nortel switch with the Chinese Huwawei switch. He said when MTN purchased Telecel the company had Nortel switches with no service backup. He said the system crashed,

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<sup>1</sup>*Times* Feb 18, 2006

<sup>2</sup>*Post* Feb 24, 2006

causing disruptions experienced lately. But the subscribers wondered why MTN was approaching local banks to source funds for investments. “Zambians expected MTN to bring in money to invest in Zambia, but it’s disappointing to note that the foreign company is running around to try and source for local money to invest in its network. Any foreign investor is expected to galvanise financial resources from outside before they could look to local lenders,” they said. However, Mokoena explained that it was normal practice that a company has to have partnership with lenders.<sup>1</sup>

By the end of February, the Communication Authority directed mobile service operators to improve the quality of service offered to customers. Public Relations Officer Ngabo Nankonde said in a statement on February 26 that CA had received complaints from consumers on the Copperbelt about the continued poor quality of services offered by Celtel and MTN. She said the authority was concerned that failure by the service providers to provide good quality service was causing a lot of discontent and inconvenience to users particularly to those who relied on the networks to conduct business transactions and to communicate emergency situations. Ms Nakonde stated that though the CA had noted the expansion to rural areas it found the continued poor quality of the service and apparent poor communication by operators with their consumers when the quality of service was compromised, very worrying. In addition, Celtel and MTN subscribers in Lusaka and the Copperbelt complained of loss of business due to unavailable networks. The two mobile phone companies inconvenienced them, as they were unable to talk to or receive calls from their clients since Feb 25.<sup>2</sup>

On March 1 Parliament approved a K24 Billion budget for the ministry of information and broadcasting services with backbenchers emphasizing on equal use of the media during the run up to elections. Solwezi East MP Patrick Kangwa urged government not to personalize the public media but that it should accord the opposition an opportunity too. Pemba MP David Matongo said it was saddening that Information and broadcasting minister Vernon Mwaanga did not fight the VAT introduced on newspaper sales and magazines. He called for transparency in the way government used the public media. It would not do for the opposition to be denied use of public media. Kapoche MP Charles Banda was taken aback with the vote allocated for the ministry saying it was too little considering this was an election year. He was sad because of government’s failure to table the FOI Bill and accused government of being insincere over the matter. However, Mwaanga assured the House that government would ensure fair and free coverage of elections and the opposition would be free to use the public media. On the issue of VAT Mwaanga said minister of Finance Ngandu Magande was already considering it while government had continued to consult on FOI Bill.<sup>3</sup>

At the beginning of March, the first lady addressed trainee journalists at *The Post*. She told the media that had earned trust of people it had immense capacity of shaping and influencing the beliefs and values of society. The first lady Maureen Mwanawasa also said the media that has the trust of the readers had the capacity to influence people

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<sup>1</sup>*Post* Feb 26, 2006

<sup>2</sup>*Times* Feb 27, 2006

<sup>3</sup>*Times* March 2, 2006

because they believed in what they communicate.<sup>1</sup>

Within March and in response to complaints, Celtel Zambia upgraded the Mongu base station in a bid to address network problems in the area. The upgrade programme also extended to other parts of the country and some districts like Mansa in Luapula had already been worked on. Celtel Zambia Public Relations manager Bridget Nundwe told *The Post* that the completion of upgrade in Mongu meant network problems would be resolved. The development came in the work of criticism of the company's service in Mongu, which the local Catholic Diocese director of development Nathaniel Mubukwanu branded, as mediocre. Mubukwanu had accused Celtel of taking subscribers for granted and urged the company's MD David Venn to ensure that problems were rectified. However, Celtel had failed to rectify the problems, which dogged Mongu since Christmas prompting Mubukwanu to seek Communication Authority chief Shuller Habeenzu's intervention.<sup>2</sup>

On March 30 MISA made a submission to the Committee on Information and Broadcasting Services on Press (Media) Freedom in Zambia – Is it realistic?<sup>3</sup> In Livingstone Information permanent secretary, Emmanuel Nyirenda called on the media not to be selective but instead balance their stories. Nyirenda said in the last 15 years there had been an outcry for balanced reporting. Nyirenda was accompanied by Director-General of ZANIS Patrick Jabani and was in the province to assess the performance and needs of the media as it prepared for the forthcoming tripartite elections. He commended manner journalists were working without animosity.<sup>4</sup>

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<sup>1</sup>*Post* Mar 3, 2006

<sup>2</sup>*Post* Mar 17, 2006

<sup>3</sup>*MISA Zambia Statement* March 30, 2006

<sup>4</sup>*Mail* Mar 30, 2006

### 3.0 Broadcast Media during the first Quarter of 2006

The first quarter was quite eventful. It covered strikes at two private radio stations in Lusaka to the arrest and detention of two journalists at Radio Chikuni in Southern province and to the launch of Parliament radio in Lusaka. However, its beginning in early January highlights the contents of the final draft constitution prepared by the Constitutional Review Commission. The *Mail* reports<sup>1</sup> that the final draft notes that Parliament should enact legislation to promote the independence and impartiality of the public media. The draft also stated that all public media organisations should be independent, impartial and should afford fair opportunities and facilities to all persons to enable them present divergent and dissenting opinions. In addition the draft constitution further says legislation to be enacted by Parliament should provide for reasonable allocation of airtime and space in the public media to all political parties either generally or during election campaigning. Interestingly the draft appears not to recognise the two laws that have already been enacted, namely the Independent Broadcasting Authority Act and the ZNBC (Amendment) Act.<sup>2</sup> But of further interest was the recommendation that journalists should not be compelled to disclose sources of information except as may be determined by the courts of law. It was reported in the third quarter of 2005 that journalists at workshop did object to such an inclusion.<sup>3</sup> To ensure freedom of the media, the draft also recommended that there should be no law passed with any provision that derogates freedom or independence of the press and that the electronic media should only be subjected to fair licensing procedures that are administered by a body independent of the control of government, political or commercial interests. The licensing procedures should also be designed to ensure that there is reasonable allocation of broadcast frequencies and adherence to codes of good practice. Registration and licensing of any media institution shall not unreasonably be withheld, withdrawn or refused by government. Any person, state organ or institution, shall not require prior licensing for any form of publication, broadcast or dissemination of any information, comment or opinion.<sup>4</sup>

The draft acknowledged the existence of censorship but emphasized that no individual or government institution shall impose censorship on any form of publication, broadcast or dissemination of information, comment or opinion. Further that an individual of a government institution shall also not interfere with the freedom of expression of any writer, editor, publisher or broadcaster and shall not harass or penalize a person for any opinion or view or the content of any publication, broadcast or dissemination. In Zambia's constitutional development the re-emphasis of these views was perhaps quite revolutionary.

While the draft constitution laid out a proper argument for a public media broadcaster, in practice the ZNBC was busy installing 20 new transmitters in selected districts under in what it termed its on-going rural TV project. This was at a cost of K4.2

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<sup>1</sup>*Mail* Jan 2, 2006

<sup>2</sup>The two acts already discuss the issue of fair coverage by public media with the ZNBC (Amendment) Act being specific to ZNBC as a national broadcast.

<sup>3</sup>According to the resolution of this workshop attended by members of all the media institutions "except as may be determined by the courts of law" was deleted.

<sup>4</sup> Again all these views ignored the existence of the IBA Act.

Billion and was apparent that this was a result of the Chinese funding reported in the last quarter. The ZNBC spokesperson Mirriam Tonga confirmed the development in a statement on January 3. According to Tonga the new transmitters would be installed by the end of the first quarter 2006 and the fact that government had already released money for the procurement of the equipment. And besides the new transmitters the corporation was also refining works on 26 CASAT installed transmitters at remote TV sites around the country, Tonga said, adding that work was almost complete in Kasempa, Senanga, Chinsali and Lukulu where these districts were ready to receive the ZNBC signal. Tonga revealed that it was the wish of ZNBC to ensure that all parts of Zambia were adequately covered by the ZNBC TV signal and she thanked the government for its assistance.<sup>1</sup>

The quarter saw two workers strikes at two radio stations. The first one was at Q FM where on January 4 a messenger took charge of transmission as Disc Jockeys (DJs) while reporters went on strike demanding better salaries. According to the Post of January 5 quoting sources that sought anonymity for fear of victimisation, the strike started around 11:00 hours when all the workers walked out. “The messenger has been behind the console from morning to mid afternoon,” the sources disclosed adding that most reporters were getting K300, 000 as a take-home pay leading to a mass exodus because management had allegedly failed to improve the conditions of service. The sources further revealed that a meeting held before the strike was unproductive because management was allegedly not cooperative. “The director was being uncooperative. If he had done something, there would be no strike today,” the source said adding that the paper could not, by press time reach management who were allegedly locked up in a meeting.<sup>2</sup>

But before discussing the strike at the second radio station the recurring issue involving the information minister and the five media bodies continued unchanged. In fact, and despite the change of ministers appears to have had no effect. Thus on January 9 the five media bodies called on Information Minister Vernon Mwaanga to immediately present the proposed names of members to serve on the Independent Broadcasting Authority (IBA) and the Zambia National Broadcasting Corporation (ZNBC) boards to Parliament for ratification. The call followed the Lusaka High Court’s refusal to grant the State a stay of execution on the main judgment. Addressing a joint Press briefing at Chrisma Hotel the five media bodies also urged the minister to dissolve the existing ZNBC Board whose legal mandate, they observed, had expired with the coming into effect of the ZNBC (amendment) Act.<sup>3</sup>

And reading out the joint press statement, PAZA vice-president Amos Chanda said the implementation of the IBA and the ZNBC (amendment) Act should be treated as a matter of urgency so that it can allow Zambians the full enjoyment of the right of

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<sup>1</sup>*Times* Jan 4, 2006 also in *Mail and Post* of same date – Tonga also revealed that the corporation’s immediate project was targeted at providing television reception to Siavonga, Chirundu, Mkushi, Chama, Luangwa, Sesheke, Chilubi, Chiengi, Maamba, Nyimba, Zambezi, and Mwinilunga.

<sup>2</sup>*Post* Jan 5, 2006

<sup>3</sup>*Times* January 10, 2006 - The five media bodies are the Press Association of Zambia (PAZA), Media Institute of Southern Africa (MISA-Zambia), Zambia Union of Journalists (ZUJ), Zambia Media Women Association (ZAMWA) and the Press Freedom Committee of the Post Newspapers.

freedom of expression. But in response government expressed disappointment with the media bodies for making their demands through the press instead of engaging the ministry in dialogue. Mwaanga as chief spokesman rejected claims by the six media bodies that government had no political will to implement media law reforms. “If government was not committed to media law reform, why did it bring the Independent Broadcasting Authority and the Zambia National Broadcasting Corporation (Amendment) Bills to Parliament which are now Acts?” he asked. Mwaanga added that he had committed himself to dialogue. “My meetings with Zambia Union of Journalists, MISA Zambia and Press Association of Zambia have been cordial and I told them that I am prepared to discuss anything with them. I am not amused that they are making demands through the press,” he said. Mwaanga charged that it was counter productive and discouraging when government was criticized after making headway not only in media law reforms but also in providing equipment to the public media to enable it operate effectively. “There is need to maintain contact with the media institutions because if we continue in this path it could be disastrous. Their suggestions are welcome but they cannot be made through the press,” Mwaanga said. And on the ZNBC board Mwaanga argued that this was not illegal because he had not dissolved it. He claimed there was a process of consultation that had to be followed. He also claimed that Parliament had a schedule, which had to be followed before he could submit to it the names recommended for the IBA and the ZNBC boards. “We cannot bind parliament to our programmes, our programmes have to be bound by Parliament,” he said. And reacting to the December 22, 2005 ruling by the High Court Mwaanga said government still had options to use including an appeal to the Supreme Court.<sup>1</sup>

And covering the same press briefing the *Post* added that the media bodies also threatened to expose government's hypocrisy over its interference in the editorial independence and operations of the Zambia National Broadcasting Corporation (ZNBC). “We don't want to waste any more time and money on endless discussions and reviews of media laws and the constitution. We urge President Mwanawasa to give us what we have demanded. This will surely be cause for us to join him and the rest of the country in celebrating this year's Independence Day,” Chanda emphasized, adding: “Mwaanga assured us that he would accept the court's decision and being a person who respects the law, we expect him to act quickly. We also call upon the minister to dissolve the existing ZNBC board whose legal mandate has expired with the coming into being of the ZNBC amendment Act.”<sup>2</sup>

On January 12 Yatsani Radio employees in Lusaka staged a sit-in protest demanding improved conditions of service. With placards at the main gate the employees chanted slogans demanding the removal of the personnel manager Wellington Nkoje. And the spokesman of the workers, Emmanuel Mulenga said they had vowed not resume work until their plight was addressed, the *Post* report said. Mulenga said full-time

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<sup>1</sup> *Mail* January 10, 2006

<sup>2</sup> *Post* Jan 10, 2006 - In 2005 former Minister of Information, Mutale Nalumango, refused to take to parliament for ratification the names recommended to sit on the IBA and ZNBC boards arguing that she had the right to veto names. But the media bodies applied to the High Court for judicial review and the High Court ruled that Nalumango had no powers to veto any of the names.

workers were getting between K280,000 and K300,000 per month while others got K50,000 per week. “The JCTR (Jesuit Centre for Theological Reflections) says the food basket is more than K500,000 but that picture is not painted under the Yatsani which is Catholic. We need economic justice,” Mulenga said adding that salaries had not been reviewed for the past three years. He complained of poor management at the station and that workers wanted a change of management. He said workers were tired of intimidation. “Recently, five workers were taken to police when a microphone went missing,” Mulenga said.

And the workers produced a statement they copied to Zambia Episcopal Conference president Archbishop Telesphore Mpundu, Procurator General father Olinto, Zambia Episcopal Conference communications secretary Father Paul Samasumo and the director of the station Sister Celine Namalambo in which they demanded that management be replaced with an efficient know-how in running a radio station in order to bring efficiency to Yatsani Radio programming. “We demand 100 per cent salary increment and reasonable incentives across the board,” read part of the statement. However, Sr Namalambo, who was in Mumbwa at the time appeared not aware of the protest. “I’m not aware of the protest, I will get in touch with the station now,” said Sr Namalambo.<sup>1</sup>

The strike action by workers at Yatsani radio station continued on January 17 and by then the Radio station had been off air since Jan 13. Station director Celine Namalambo said the closure of the radio station had greatly affected the community who complained about the development. Sister Namalambo on January 17 said that management was trying to find ways of resolving the issues raised by the workers. She said management was hopeful that the radio station would resume operations by the end of this month. “It is a good thing that the strike has happened because it has enabled us as management to be aware of the challenges affecting the workers. We will put in place measures to ensure that such action does not happen in future,” she said.<sup>2</sup>

And Zambia Episcopal Conference (ZEC) communications secretary Fr Paul Samasumo on January 18 said Radio Yatsani would resume transmission over the weekend (January 21-22) after being off air due to strike action by workers. Fr Samasumo confirmed that the strike action by workers at the Catholic Church-run community radio station had halted operations since Friday January 13. He explained that workers went on strike after some misunderstanding about remuneration of full-time and volunteer workers at the station. “There has been some confusion between volunteers and those who are full-time on how much they are getting paid,” Fr Samasumo said, adding that the problem was being resolved between management and workers and operations should begin by Sunday January 22.<sup>3</sup>

Once the Yatsani Radio worker problem was resolved it was back to media law reforms. On January 18 MISA Zambia took issue with President Levy Mwanawasa’s

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<sup>1</sup>Post Jan 13, 2006

<sup>2</sup>Mail Jan 18, 2006

<sup>3</sup>Post Jan 19, 2006

silence on the media in his speech to Parliament. The president had just opened Parliament by his speech said nothing about government implementing media law reforms. Thus in a statement, MISA Zambia chairperson Kellys Kaunda said it was disappointing that President Mwanawasa did not address issues affecting the media in his speech to Parliament on January 13, 2005. “This glaring omission has put to an end to any hope that the new deal government might implement media law reforms as MMD promised in the 2001 election manifesto upon which President Mwanawasa was elected,” Kaunda said, adding that in the aftermath of the government’s refusal to implement the Independent Broadcasting Authority (IBA) and Zambia National Broadcasting Corporation (ZNBC) Amendment Acts, the president’s silence on the media had sent a loud message that media law reforms were not on the government’s agenda this year. He urged government to implement the ZNBC (Amendment) Act and the Independent Broadcasting Authority (IBA) Act to avoid bias against some stakeholders in the granting of airtime by ZNBC.<sup>1</sup>

But in debating the president’s speech MISA Zambia had some support from some parliamentarians. Contributing to the debate on the motion of thanks to the president’s speech Mangango MP Crispin Shumina (FDD) on January 25 urged government to appoint new board for the ZNBC because the current one were operating illegally. Shumina said ZNBC was being illegally directed because the current board members’ contracts had expired in 2002 when the new law came into force and there was no need for them to continue sitting on the board.<sup>2</sup>

We reported in the third and fourth quarter of 2005 Zamtel’s complaints against Celtel. The first complaint was over alleged interference on its network and the other over claims that Celtel was giving special discounts to retailers of scratch cards who agreed to be sole agents of the company. It is not surprising therefore that during the first quarter of 2006 Zamtel and Zambia Postal Services did on February 2 sign a one-year distributor agreement in which the postal company would be selling various services on behalf of the company. Apart from the fact that the agreement comes exactly ten years after the two companies that existed under the name Posts and Telecommunication Corporation were separated, it is also in response to Celtel’s actions. And speaking at the signing ceremony Zamtel MD Simon Tembo revealed that the agreement entailed that ZAMPOST would be selling Cell Z sim packs, top up vouchers and prepaid vouchers for land lines. The Zamtel MD also revealed that the company would soon expand its services to remaining provincial centers of Mongu, Mansa and Kasama by the end of March before moving to cover Kaoma, Mkushi, Serenje, Mpika and Samfya.<sup>3</sup> In furtherance of its position, Zamtel on February 6 slashed connection fees for landlines and other costs relating to its Cell Z.<sup>4</sup>

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<sup>1</sup> *Post* Jan 19, 2006

<sup>2</sup> *Mail* Jan 26, 2006

<sup>3</sup> *Times* Feb 3, 2006 - And in response the Post Master General Chewe Lupili observed that his company prided itself as a major facilitator in the communication market because it enhanced and promoted communication on both local and international markets. Also in *Mail* of the same date.

<sup>4</sup> *Mail* Feb 7, 2006. Land lines deposit reduced from K500, 000 to K100, 000 while corporate customers with five cell phones were expected to pay K10 per second and individual customers were pegged at K20 per second.

Of interest during the quarter was the view expressed by all telephone service providers that they were doing enough to guarantee universal access to communication services. During a Communications Authority discussion programme, *Universal Access to Communication as a means for Development on ZNBC TV*, the three service providers Celtel Zambia, MTN Zambia and ZAMTEL all emphasized teamwork to make telecommunication services accessible to the Zambian population. They agreed that rolling out to rural areas would greatly promote access to telecommunication services. ZAMTEL sales and marketing manager Joseph Chona said his company was fulfilling access by providing basic telecommunication services in all districts through landlines and through the expansion of Cell Z mobile network. MTN sales and marketing officer Freddie Mokoena said MTN had a market possibility for people to make calls, which it had made as a personal agenda. Celtel government and carrier services manager Jerome Kawesha said his company's fulfillment of access to information emanated from its desire to be a strong service provider in its 14 African operations, which as a result had made it possible for the company to connect all 72 districts in Zambia to its network. The three officials said access to communication was also being made possible by the reduction in telecommunication tariffs, which have been reduced due to the appreciation of the kwacha.<sup>1</sup>

But while there was such general camaraderie among cell phone service providers complaints from consumers continued. In western province the Catholic Diocese of Mongu through its director of development Nathaniel Mubukwanu accused Celtel Zambia of taking Zambians for granted by offering shoddy service. But Celtel Zambia marketing director Norman Moyo replied that his company was not aware of any problems in Mongu though engineers would be sent to address the complaint. In a letter to Celtel Zambia managing director David Venn dated February 6, 2006 and obtained by *The Post*, Mubukwanu stated that Celtel's service was mediocre. "I wish to register our disgust at the manner in which your company has continued to exploit the people of Mongu with poor network. This situation is not new. We have continued to experience this since Christmas time and there is no effort whatsoever from Celtel to explain why things are like this," Mubukwanu stated, adding: "I assume we are being taken for granted probably because we are a rural populace. The poor performance of the Celtel network has cost us money, business opportunities and continues to cause serious inconveniences in our operations. We would like to know for how long you are going to continue subjecting us to this mediocre service."<sup>2</sup> Mubukwanu sought clarification on whether Celtel Zambia installed old equipment in Mongu hence the disruptions because people got recorded messages that subscribers called were either out of coverage area or had switched off their phones even when they were actually together. "How can this country develop with this kind of service?" Mubukwanu asked, adding: "Last week, we could not go through to the police while there was an attempted robbery at one of our offices, yet we are connected to a network of the leading service provider."<sup>3</sup>

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<sup>1</sup>*Post* Feb 8, 2006 - MTN and ZAMTEL have reduced the cost of airtime while Celtel has increased the value of its airtime congruent to the appreciation of the kwacha.

<sup>2</sup>*Post* Feb 10, 2006 - The letter was also copied to Communications Authority of Zambia (CAZ) chief executive officer Shuller Habenzu.

<sup>3</sup>*Post* Feb 10, 2006

And in response, Moyo admitted receiving reports of network outages in Mongu and elsewhere but claimed that these had been rectified. “I do not know the cause of the current problems. But our engineers are already in that area and we shall send them to check what is going on,” Moyo said.

Complaints from Mongu were specific to Celtel. However, a related though slightly different observation was made by President Mwanawasa on February 10. Speaking when he launched the 72-district target programme for Celtel network in Nchelenge the president observed that mobile phone providers should make their services affordable to Zambians instead of concentrating on expanding their networks. The president said it would not do for mobile phone dealers to keep on expanding their networks when people could not afford their services. However, he commended Celtel for setting up towers in 72 districts because these would ease the communication process for common Zambians. Mwanawasa said Celtel should strive to empower Zambians through ownership of the company as it had already started. The president noted that Celtel had spent US\$150 million since its inception in 1998 and would in 2006 spend US\$60 million to expand to other towns. He hailed Celtel for reducing tariffs by 30 percent following the appreciation of the Kwacha. “Zambia has no price controls but we expect people to reason alone. Don’t push your luck too far because people want tariffs reduced,” he said. And earlier Celtel announced it had paid over K200 Billion in form of taxes to government in 2005 and that the company was expected to pay another K300 Billion this year. Celtel MD David Venn told the president that all the profits his company made were ploughed back to the community.<sup>1</sup>

And on Feb 16 information minister Vernon Mwaanga told Parliament that the Non-Aligned Countries would take advantage of ICT to create information linkages among them and ensure development. He also revealed that government had issued 30 broadcasting licences. But responding to a question from Kafue MP Bob Sichinga who wanted to find out whether public and private broadcasters shared the TV licence levy the minister claimed, despite the legal position which did not provide for this, that private television stations were at liberty to collect their television levy from people. However, the minister further revealed that government was also working out modalities for improving on rural TV.<sup>2</sup>

But while the minister was addressing the ICT issue from an international perspective the Communication Authority urged the media to assist the organisation to enforce its regulations to ensure effective service delivery in the communication sector. CA deputy controller Richard Mwanza said it was imperative for the authority to collaborate with the media to enforce regulations that would make communication companies accountable to the public and thereby improve service delivery to their clients. Speaking at a media forum in Kitwe Feb 16 Mwanza said the media was the most influential stakeholder in any society and hence should help expose consumer ills being

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<sup>1</sup>Times Feb 11, 2006

<sup>2</sup>Times Feb 17, 2006 - Mwaanga said this in a ministerial statement on the conference of ministers of information of the non-aligned countries held in Kuala Lumpur Malaysia in November 2005. Mwaanga said ministers were concerned that dissemination of discriminatory and distorted information of events taking place in developing countries has continued unabated. He said the continued lopsided information placed developing countries at a disadvantage hence the need to address them.

perpetrated by some communication companies. He emphasized the need for the media to take a keen interest in developments taking place in the communication sector so that they could report accurately on communication issues. He said the Communication Authority as an independent body would continue making decisions aimed at improving the communication sector. This had contributed to the attraction of the two giant communication companies, Celtel and MTN into the country, he said.

“As a communication authority, we are here to promote growth in the industry, not to shut down companies. We are happy that we have provided a stable environment in the sector which has attracted companies like Celtel and MTN,” he concluded.<sup>1</sup>

By mid February the six media bodies appear to have become fed up of government intransigence. Perhaps it is as a result of this that they commenced contempt proceedings against Information minister Vernon Mwaanga for allegedly defying a court order. It was apparent that the change of ministers did not have any effect on government action on the IBA Act and the ZNBC (Amendment) Act. Thus in their *ex parte* application before Judge Gregory Phiri for an order for committal proceedings, the media bodies stated that the relief sought was for an order for committal to prison of Mwaanga for refusing to implement the judgment of the court. They stated that Mwaanga had deliberately and with contempt refused to obey or implement a court order much to the prejudice of the applicants and the general public. In their affidavit in support of the application the media bodies said the court passed judgment directing Mwaanga to forthwith submit to the National Assembly names recommended by the *ad hoc* appointment committees appointed under the provisions of IBA and ZNBC Acts. They claimed that to date, over one year later and in spite of numerous reminders, Mwaanga had refused or neglected to give effect to the judgment. They further noted that the refusal to give effect to the judgment was a clear contempt of court for which Mwaanga ought to be punished because he would continue to disrespect the courts judgment unless something is done to compel him to do so. The media bodies prayed to court for an order for leave to commence committal proceeding against Mwaanga.<sup>2</sup> And reporting on the same issues the Mail writes “according to an affidavit sworn by MISA Zambia national director Fanwell Chembo, the minister had up to date, despite numerous reminders, allegedly refused or neglected to give effect to the judgment as ordered by the court.

But new dramatic developments followed the application. These developments sometimes reflect on the efficacy of the country’s judicial system. First, though judge Gregory Phiri was the trial judge and would, in all reasonableness be an appropriate judge to hear the matter because it was his court, which was disobeyed, he however decided to recuse himself from hearing the matter. According to a memo to Judge-in-

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develop,” Mwanza said.

<sup>2</sup> *Times* Feb 18, 2006 Also in <sup>2</sup>*Times* Feb 18, 2006 - “We believe the pen has power to make people sit up if they are doing wrong things. This is why we thought we should meet the media in Kitwe and ask them to be our partners and help us reinforce (enforce?) our regulations. The media can help us to expose companies committing consumer ills. We are not here to shut down companies but to ensure that the communication sector continues to grow and Mail of the same date – the paper writes - “In an application filed before High Court judge Gregory Phiri in Lusaka, Sakwiba Sikota explained that he was seeking the application in relation to the refusal by Mwaanga to implement the judgment of the court, which was passed on December 23, 2004.”

charge Timothy Kabalata the trial judge was recusing himself from hearing the application on professional grounds.<sup>1</sup>

And President Mwanawasa's observations on cost made in Chelenge appear to have hit a resonant cord with some MTN mobile subscribers. On February 25 some subscribers criticised the mobile company for increasing MTN to MTN tariffs by one cent through the introduction of a 0.29 units flat rate for calls to all networks. MTN had devised a new tariff plan called Pay As You Go Absolute, where subscribers who make frequent calls to other networks pay a flat rate of 0.29 units per minute including MTN to MTN calls. What appears to have irked subscriber was the fact that in the other - Pay As You Go - tariff plan that has been in effect all along subscribers are charged 0.28 units for MTN to MTN calls. The subscribers, who preferred not to be named, charged that MTN is deceiving unsuspecting subscribers into believing it has introduced a cheaper 29 cent flat call rate when in essence, there has been a one cent mark up with off-peak benefits removed. "They know that we would definitely want to have cheaper calls to other networks. This is disadvantaging us when we make MTN to MTN calls. So we as MTN clients do not enjoy off-peak calls, and we pay more by one cent per minute," they complained, adding: "They introduced a package which looks like a price reduction if seen from cross network calls, but MTN customers now pay more from 28 to 29 cents. So an MTN to MTN call today is more expensive by a cent than was previously the case if you use the new tariff plan." The subscribers argued that since MTN does not have that many subscribers, its loss incurred by reducing the cross network call charge is being offset by that one cent increase. "They know that they have more MTN to MTN calls than those to other networks, so they will still make more money out of that," they argued.

But in response MTN marketing manager Freddie Mokoena said the company was not in the business of fooling customers. He said MTN could not penalise its customers and explained that the decision to peg the flat rate at 0.29 units was to allow for interconnector fees due to other networks "When you call another network, you have to pay them because of the interconnector regime. The problem is that it is not defined, so we are guided by the rates that are set by the Communications Authority," he said. "The number of our subscribers is small and we can't penalise them. We want them to be able to make calls without hindrance of costs. My view is we are championing the cause of consumers," he said. Mokoena said his company had reduced its tariffs, a move that had actually forced its competitors to review their prices. "So by reducing the cross-network rates, we will lose out but we don't want our customers to fail to do their jobs because of the high tariffs," he said.<sup>2</sup>

And like Celtel in Mongu, Kabwe and the Copperbelt MTN also experienced MTN network outages. Of these Mokoena explained that the company would continue experiencing the network outages as it replaces the old Nortel switch it had inherited from Telecel with the Chinese Huwawei switch. Responding to complaints by customers that the system was going off more often Mokoena revealed that the Nortel switches had

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<sup>1</sup>Mail Feb 24, 2006. Also in *Times* and *Post* of the same date.

<sup>2</sup>*Post* Feb 26, 2006

no backup service and that the system had crashed, causing disruptions that had been experienced lately. "So we are swapping it with the Huawei switch. There will be a lot of hiccups but when we finish it will be fine," he said adding that infrastructure development this year would focus on improving network quality. He said the company had already bought equipment and motor vehicles from the US \$70 million expected to be spent in the next two years. But subscribers wondered why, if what Mokoena said was the case, MTN was approaching local banks to source funds for investments. "Zambians expected MTN to bring in money to invest in Zambia, but it's disappointing to note that the foreign company is running around to try and source for local money to invest in its network. Any foreign investor is expected to galvanise financial resources from outside before they could look to local lenders," they said.

But Mokoena explained that it was normal practice that a company has to have partnership with lenders adding that the company would mix funds both from shareholders and lenders. "There will be funds from shareholders and we will also borrow from local banks. We are looking for a funding mix to maximise our resources," he said.

Christian channel viewers of TBN TV expressed disappointment over the failure by the organisation to transmit programmes for almost three weeks without explanation. In this regard Gladys Lungu and her husband George planned to petition Rev Pule to explain why TBN has been off air without anyone bothering to explain. She said it was worrying that none from TNB made an effort to inform the media about the development and that this had resulted in speculation. Another Lusaka resident Pamela Manda said she had received information that the station had run out of money needed for its operations. In response TNB chairman and chief executive officer Reverend Dan Pule has assured viewers that the station will start normal operations within a week or two. Rev Pule confirmed in an interview that TBN has been off air for three weeks because of a transmitter electrical fault. He said a capacitor for the transmitter in Lusaka got burnt almost three weeks ago. "Without the capacitor, the transmitter could not operate. We are working with TNB South Africa to rectify this problem as soon as possible," Rev Pule said in an interview. He said the money required to buy the capacitor was not insurmountable but that the component could only be found in Italy. "We have never bought components such as the capacitor before, so it would be difficult to know how much it would cost us but I know, it would not be beyond our means," he said. He said TBN was concerned at being off air for such a long time, adding that the organisation failed to apologise to its esteemed viewers because the situation was beyond its control. Rev Pule appealed to all those concerned to help TNB in whatever way possible. "We need the resources to enable us run the station smoothly but that has nothing to do with resources to buy the capacitor," Pule said.<sup>1</sup> The TV station only restarted its broadcast on March 20, 2005.

The continued complaints by subscribers regarding shoddy services by cell phone service providers drew the attention of the Communication Authority. On February 26 the Communication Authority directed mobile service operators to improve the quality of

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<sup>1</sup>*Sunday Mail* Feb 26, 2006.

service being offered to customers. Public Relations Officer Ngabo Nankonde issued a statement narrating the fact that the Communication Authority had received complaints from consumers on the Copperbelt about the continued poor quality of services being offered by both Celtel and MTN. Ms Nankonde revealed that the authority had the previous week directed the mobile service operators to improve the quality of service offered as well as improve communication with consumers. She said the authority was concerned that failure by the service providers to provide good quality service was causing a lot of discontent and inconvenience to users particularly to those who relied on the networks to conduct business transactions and to communicate emergency situations. Ms Nakonde stated that the CA had noted the expansion to rural areas but found the continued poor quality of the service and apparent poor communication with their consumers when the quality of service was compromised, very worrying. Just as the communication Authority was giving its directive Celtel and MTN subscribers in Lusaka and the Copperbelt complained of loss of business due to unavailable networks. The subscribers said the two mobile phone companies had inconvenienced them as they were unable to talk to or receive calls from their clients since Feb 25.<sup>1</sup>

The media bodies contempt case faced another huddle at the end of February when Lusaka High Court judge Marvin Mwanamwambwa recused himself from handling the matter. Judge Mwanamwambwa, the second judge to recuse himself from handling the matter after Judge Gregory Phiri who had delivered the judgment had recused himself on professional grounds, said he had recused himself because he knew Mwaanga who was a friend of his brother. The matter has now been allocated to Judge Japhet Banda.<sup>2</sup>

On the issue of shoddy services provided by the two mobile companies and the directive by the Communication Authority Celtel Zambia was quick to respond. On February 27 Celtel Zambia announced that it had set aside US\$4 million (about K13 Billion) to be used in upgrading its network infrastructure on the Copperbelt. In reaction to a directive by the Communication Authority to Celtel and MTN the Celtel Public Relations Manager Bridget Nundwe said the company had just completed the project termed a “major upgrade on the Copperbelt network.” She explained that the investment translated into an extra 12 sites, which were being tested. “This upgrade will improve the quality of service through increased capacity at all existing sites on the CB. The testing is currently being done by the engineers to ensure maximum quality before it is switched on,” she said. Nundwe hoped that Celtel subscribers on the CB would in the next few days start enjoying quality services from the company.<sup>3</sup> In the report in the Times Celtel Zambia promised that the network problems being experienced by its Copperbelt clients would end in the next few days when it completed its US\$4 million upgrade work that had translated into an extra 12 sites. She emphasized that the firm’s engineers were then testing the machinery to ensure maximum quality before it was switched on. But a Kapiri Mposhi based subscriber Patrick Ng’andwe yesterday expressed disappointment with the company saying it had failed to deliver quality service to its customers. Pastor Ng’andwe, of the Seventh Day Adventist Church said Celtel was failing to live up to its boast as ‘the nation’s leading and most innovative cellular network because congestion on the network

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<sup>1</sup>*Times* Feb 27, 2006. Also in *Mail* of the same date.

<sup>2</sup>*Times* Feb 28, 2006. Also in *Mail* of the same date.

<sup>3</sup>*Mail* Feb 28, 2006. Also in *Times* of the same date.

had continued for more than four months. He accused the company of giving excuses of lightning having affected the network towers but in reality, the firm had just failed to deliver because it had expanded to many districts against a small network capacity and hence the congestion on the network. Pastor Ng'andwe claimed there were times when even recharging an account and making calls within the network were impossible. He said the Celtel advertisements on television were irritating, as they did not reflect the true picture of the company's status.<sup>1</sup> However, the Post carried in its March 1, 2006 edition story the company had completed its upgrade on the Copperbelt worth K13.2 billion (US \$4 million). "This upgrade will improve the quality of service through increased capacity at all existing sites in the Copperbelt. The testing is currently being done by the engineers to ensure maximum quality before it is switched on," Nundwe said.<sup>2</sup>

On February 28 a Lusaka Magistrate's court summoned Radio Phoenix station manager asking the station to present a transcript of an alleged erroneous news item broadcast in the evening of Feb 27 in a case involving former Zambia Army commander Geojago Musengule. Magistrate Liya Tembo summoned the station manager after defence lawyer Vincent Malambo complained that the news item was not factual. In summoning the manager Tembo acknowledged that she was aware that the media played a central role in the dissemination of news and as a result it had to report in a responsible manner to avoid erroneous reporting which could sidetrack the case. And Malambo complained that according to the story, the court was shown four steel structures built with public funds. He said the witness did not say Kayumba was charged with stealing public funds as the news item allegedly indicated. He informed the court that it was contempt of court to report proceedings with deliberate distortions and concoctions that were clearly intended to prejudice future conduct of the case. Malambo also stated that contempt of court was punishable at law and therefore the station manager should present the transcript of the news item and the decision be made whether the report was intended to unduly prejudice the proceedings.<sup>3</sup>

And on March 1 the magistrate made her ruling. First she advised the media to report responsibly to avoid deliberate fabrications of court stories. Liya Tembo, a senior resident magistrate, cautioned the media after she accepted an apology from Radio Phoenix following an erroneous news item broadcast the week before in a case involving former Zambia Army commander Geojago Musengule and Lusaka businessman Amon Sibande who are charged with corrupt practices and abuse of authority of office. However, Radio Phoenix, allegedly broadcast a story saying the structures at Kayumba's farm were built using stolen public funds, contrary to what the witness had told the court. Making the ruling on the matter, Tembo said she had listened to the transcript of the news item and that it did not state the correct position of the court proceedings on the matter. She, however, accepted the station's apology through its legal counsel, Chama Chola, who informed her that the news item was not intended to prejudice the proceedings of the court. The lawyer told the court that the story was sourced from the Zambia National

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<sup>1</sup>Times Feb 28, 2006.

<sup>2</sup>Post Mar 1, 2006

<sup>3</sup>Times March 1 (also in Mail of same date)

Information Services, which sends news items to other media institutions and that Radio Phoenix could not doubt the credibility of the story.<sup>1</sup>

Somehow, Radio Phoenix got away with a reprimand and the matter ended just there. But when on March 1 Parliament approved K24 Billion budget for the ministry of Information and Broadcasting Services backbenchers emphasized on equal use of the media during the run up to elections. Solwezi East MP Patrick Kangwa urged government not to personalize the public media but that it should accord the opposition an opportunity too. Information minister Vernon Mwaanga assured the House that government would ensure fair and free coverage of elections and the opposition would be free to use the public media. Mwaanga said it was vital to raise the journalistic standards in Zambia.<sup>2</sup>

From complaints made by MPs on usage of public media to a complaint by Zamtel. The *Sunday Times* reported that Zamtel had complained to the Zambia Competition Commission (ZCC) against Celtel Zambia alleging unfair business practices. In its complaint Zamtel alleged that Celtel Zambia had instructed some of the super dealers in the industry not to deal with Cell Z and MTN Zambia. Celtel Zambia is alleged to have offered the dealers attractive discounts if they agreed to deal exclusively with Celtel. And according to Zamtel the move had given the firm undue advantage at the expense of Cell Z and MTN Zambia who are also jostling for a share of the same market. ZCC director of consumer welfare and education Dr Muyenga Atanga confirmed on March 4 that his office had received a complaint and had since launched an investigation to establish if there was a breach.<sup>3</sup>

During early March a technical fault on the transmitter put 5 FM Radio off air. According to 5 FM Radio managing director Matteo Phiri the station went off air on March 3, 2006 and management was doing everything possible to rectify the fault. "I regret to inform our listeners and customers that we are off air since 3rd March due to a technical fault on our transmitter. However, we are making every effort to bring it back on the airwaves as soon as possible. At the moment we are off air," said Phiri. The station went back on air on March 18.<sup>4</sup>

Conflicts between cell phone service providers as shown by Zamtel and Celtel did not escape government attention. Communications and Transport minister Abel Chambeshi in an interview on March 11 revealed that government would soon present a Bill in Parliament to put an end to what he called malpractices characterizing the mobile phones sector. Chambeshi said the Bill which he hoped would be presented in the current sitting, would address most of the complaints by mobile service providers against their competitors. He said government through the Communications Authority had been encountering problems in effectively regulating operations of service providers as there

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<sup>1</sup>*Times* Mar 2, 2006

<sup>2</sup>*Times* March 2, 2006

<sup>3</sup>*Sunday Times* March 5, 2006

<sup>4</sup>*Post* Mar 8, 2006

was no proper legal backing. He said the current Telecommunications Act contained a lot of loopholes, which some service providers were manipulating to their advantage. “We are working on a Bill and these loopholes will soon be sealed once the Bill is enacted into law. This Bill will help the Communications Authority to intervene decisively in the operations of the sector,” he said, noting that disputes had arisen in relations to interconnectivity, which the Communications Authority was finding difficulties to intervene. Chambeshi cited a recent complaint by Zamtel where a competitor was alleged to have installed a gadget in the system so that calls were terminated and forced Zamtel to pay more interconnector fees. He said government was also encouraging service providers to change their network system to Fibre Optical Cable, which would make the cost of using telephones, TV transmission and the Internet very cheap.<sup>1</sup>

On March 12 MISA Zambia raised an alert when two community radio journalists were arrested and charged with publication of false news. According to information received by MISA on 11 March 2006, two journalists working for Chikuni community radio station, a catholic-owned radio station in Monze district of Southern Province, were arrested and charged with “publication of false news with intent to cause fear and alarm to the public” contrary to Section 67 of the Penal code. The duo, Matongo Maumbi and Jyde Hamoonga, were arrested for facilitating the broadcast of an announcement on the radio station in which relatives of a deceased five year-old boy, who had been missing for over one week, and was later found dead on 3 March 2006, with some body parts missing, called on members of the community to meet and discuss an appropriate response to the suspected ritual murder. The calling of the meeting followed a live phone-in discussion Programme hosted by the station in which the issue of the alleged ritual murder was discussed. A riot ensued after the meeting. In an interview on 12 March Chikuni Radio Station Director Fr. Tadeusz Swiderski told MISA Zambia that the two journalists were detained overnight at Monze police station and later released on police bond of K1 million (US\$300) each and were expected to appear before Monze resident magistrate on 15 March 2006. A third staff member, Joseph Simunungu, was released without charge the same day.<sup>2</sup>

As expected MISA Zambia condemned the arrest of the journalists. In a press statement released on 12 March 2006, MISA Zambia Vice-Chairperson, Pat Mwase, said “the arrest, detention and charging of the two community radio staffers is a gross violation of their right to freedom of expression and an infringement of their right to practice their profession without interference.” Mwase accused the police of victimising the two journalists. She also revealed that Radio Chikuni had asked MISA Zambia to provide a lawyer to defend Maumbi and Hamoonga. “MISA Zambia condemns the arrest, detention and charging of the two community radio staffers as a gross violation of their right to freedom of expression and an infringement of their right to practice their profession without interference. It is evident from the charge that police have slapped on

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<sup>1</sup>*Sunday Times* March 12, 2006

<sup>2</sup>*Alert MISA Zambia* -12 March 2006

the two that the action is both vindictive and intimidatory,” she said.<sup>1</sup> The *Times* first carried a report on March 13 announcing that Police in Monze had arrested two Radio Chikuni journalists for allegedly broadcasting false news. According to the *Times* report the station aired an announcement about a boy in Monze who had gone missing last week and was later found dead. The two journalists, Joseph Simunungu and Jyde Hamoonga have been released on police bond after being charged with an offence of publication of false news with intent to cause fear and alarm. In a telephone interview from Chikuni March 12 station programme manager Tadeusz Swiderski confirmed the arrest of the two scribes. Father Swiderski said they were picked from the station on March 11 along with another journalist Matongo Maumbi who was released the same day in the afternoon. He said the two journalists were detained overnight at Monze police station and were only released March 12. “They will appear before resident magistrate court in Monze on March 15 to answer to said charge,” Fr Swiderski said. He said the announcement that invited trouble for the journalists was taken to the station by the missing boy’s relatives, the *Times* reported.<sup>2</sup> And on March 14 the *Times* published the MISA Zambia statement stating that the organisation had described the arrest of two journalists as a violation of the rights to freedom of expression.<sup>3</sup> The *Post* published the same MISA Statement on the same day as the *Times* in a story that highlighted the fact the two journalists had been arrested and charged with publishing false news with intent to cause fear and alarm to the public. However the newspaper included view from Matonga Maumbi. According to the *Post*, Maumbi who is promotions and advertising manager for the station said he was detained with his colleague Jyde Hamoonga but released on bond of K1 million. He also confirmed that a third journalist Joseph Simunungu who was also picked up by police, was later released without a charge. And explaining the circumstances that led to the arrest, Maumbi said on Thursday, the station ran a live radio programme, ‘Face the Media’, to get people’s reactions to the death of a five year old boy, Christon Beene. “He was found dead by the waters of Kanyemba Dam on 3rd March 2006 after missing for about five days. People strongly believe it was some sort of cult-killing because he had some cuttings and people believe some of his body parts were removed,” Maumbi said. He said people that participated in the programme were afraid of coming out in the open with information of the killing. “They feared the ritual murderers would pounce on them too. They had instead proposed a suggestion box to be placed somewhere so that the police could pick it later. There was also a suggestion that people should meet and talk in open instead of just writing. Suspects were still on the loose and people were fearing for their own lives, as such they feared to talk or write,” Maumbi said, adding “The announcement ran like any other but unfortunately after the meeting, people became riotous. They smashed a car, damaged the police post and beat up some suspects.”<sup>4</sup>

The two *Radio Chikuni* journalists were expected to appear in court on March 15. As mentioned above at the centre of their case was a radio announcement that was broadcast three times in Tonga on March 10. The following is the Tonga version of the announcement, which was paid for by the relatives of the deceased child.

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<sup>1</sup>MISA Zambia Press Release March 12, 2006

<sup>2</sup>*Times* Mar 13, 2006

<sup>3</sup>*Times* March 14, 2006

<sup>4</sup>*Post* March 14, 2006

***Kwaambilizya Kubuleya Mukaambo Kalufu Lwamwaaana Wakatanika Mudamu  
(Christone Beene)***

*Nobuleya Tumuziyibya kuti Kudjaticizya Kaambo Kalufu oolu Bamukowa Bacijala Cintoolo Akaambo Kakuti Ntendwa Mduyakatalikila, Cintoolo **ca Kabwe**.*

*Aboobo Muntu oonse uyayanda na Ulimvwa Kupengaana mumoyo Kukaambo aka Aboole na Tuswaangane Kuma Cross Amaumba kw ngela ciindi ca 13.00 hours na 1.00 kuloko **Sunu Mabala**. Uyoowa Atasikili limwi pe.*

*Kwaambilizya ooku Kwaletwa Abamukowa Wamwana.*

The following is a loose translation of the Tonga text and to be noted was the suggestion that those meeting should “carry spears.” However the MISA Zambia team that included a lawyer and national director Fanwell Chembo managed to defuse the matter.

*Announcement to the Public on the Death of a Child who was found in a Dam (Christone Beene)*

*Members of the public, we are informing you that in connection with this death, relatives have closed named Kabwe because that is when the confusion started.*

*And so whoever wants or has been troubled by this case, let him come or we meet at “Cross” with a spear at 13 hours today. Those without courage should not come. This announcement has been made by relatives of the deceased child.*

In March the *Times* reported problems that Zamtel faced when its lines were disrupted between the Copperbelt and Lusaka. This affected business in banks, Internet cafes and other firms came as clients complained that they could not conduct any transactions. Zamtel public relations manager, Charles Kachikoti, said in a statement in Ndola that the disruption of services experienced between Lusaka and the Copperbelt was as a result of power failure at the Katanino repeater station. In the same statement Kachikoti also revealed that Zamtel had completed its expansion programme on the Copperbelt -Lusaka radio microwave link. He announced that the new system would offer users higher transmission quality for both voice and data with higher data speed. Kachikoti said the upgrade of the link was necessary to guarantee high quality services on fixed telephone facility, mobile phone service and high-speed data circuit. The firm had been carrying out expansion works on the link since December 2005 resulting in customers experiencing intermittent disruption of services, which had caused users considerable inconvenience and difficulty. He said the company’s technical staff had worked tirelessly to ensure that the services, which were caused by the power failure, were restored in the soonest possible time.<sup>1</sup>

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<sup>1</sup>*Times* Mar – the newspaper added: “There had been disruption of services, on Wednesday morning, affecting mobile and land phones, Internet facilities as well as automated teller machines (ATM) besides cash deposits and withdraws. “Zamtel technical staff worked round the clock to restore service after rectifying the problem which was caused by the power failure at Katanino repeater station.” he said.”

While Zamtel faced its own problems Celtel Zambia's woes appeared to have shifted from the Copperbelt to Southern province. The company's subscribers in Mazabuka complained bitterly at the daily intermittent network breakdown, especially during the evening. Josephat Mudenda, a Celtel subscriber on Mar 17 said the poor network coverage being experienced had affected his business. Mudenda complained that while Celtel management was aware of the problem in Mazabuka, the company had not taken the trouble to explain the problem and how long it would last. Taxi drivers whose business depend so much on communication with their clients equally complained and urged Celtel management to quickly address the situation before it got out of hand. Fatty Mweemba, a taxi driver, said making calls shortly after 18:00 hours had become a nightmare in Mazabuka.<sup>1</sup> But by March 20 Celtel was happily announcing the introduction on the market of a portable, user-friendly payphone designed for the low-income segment of the Zambian market. The latest payphone, called One4All, was described as an improved, efficient and comfortable way of providing the most rewarding and convenient payphone service.<sup>2</sup>

After the news of woes and malfunctioning equipment the broadcast media had something to celebrate about. Then the National Assembly announced the launch its *Parliament Radio* station set for March 20. The station had already been broadcasting Parliamentary proceedings on its FM band. National Assembly Media Liaison Officer Chikomeni Banda announced in a statement released March 17 that the Speaker Amusaa Mwanamwambwa would officially launch the radio at the Parliament Buildings. The radio was established as a channel of communication for Parliament with the public and MPs and the electorate and was at the moment transmitting live Parliamentary debates with interludes of music and summaries of events taking place in the House. "The objectives of the radio station include that of broadcasting programmes that are of an informative and educative nature targeted to the general public," Banda said.<sup>3</sup> In its report the following day the Mail emphasized the Speaker's view that he would not allow Parliament Radio to be used for propagating partisan political messages. But he appeared to contradict himself when added in the same breath that all members of Parliament, irrespective of their political affiliations would have access to the radio station. The contradiction was obvious when he also assured his listeners that the radio station would not censor or cut the views of MPs. However he was right when he stated that radio still remained a significant and efficient medium of communication and of reaching many people.

According to the Speaker the Parliament Radio project marked a turning point for MPs as people's representatives because it would establish a strong and permanent communication between the MPs and the people. He noted that the National Assembly had so far opened 28 constituency offices to improve the quality and frequency of interaction between MPs and their constituents. He further noted that the launch of

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<sup>1</sup>Post Mar 18, 2006

<sup>2</sup>Post March 21, 2006 - At oK199,000 each, the One4All payphone presented a very unique opportunity for dealers to spread their business to different parts of the nation where the Celtel signal is found. Further the phones are configured and designed with the ability to display the duration of one's call and the amount utilized, the company said.

<sup>3</sup>Times Mar 18, 2006 - The radio station transmits parliamentary debates to Lusaka, Kitwe, Kapiri Mposhi, Pemba and Livingstone broadcasts from Tuesday to Thursday in afternoon and on Friday morning.

Parliament Radio was one of the successes recorded in Parliamentary reforms and it marked the completion of Phase One of the Broadcast project which had covered the line of rail from Chililabombwe to Livingstone. He revealed that Phase Two would involve the extension of radio coverage to other areas like Eastern, Luapula, Western, Northern and North Western provinces while Phase Three would cover places developed during Phase Two but with poor reception while the final phase would be the introduction of live television coverage of debates.<sup>1</sup>

The *Times* also led with the Speaker's statement and emphasized his view that MPs irrespective of their political affiliation would have uncensored and unlimited access to the newly launched Parliament Radio station. The paper also highlighted the fact that Parliament's radio signal was currently accessible on the Copperbelt, Kapiri Mposhi and Kabwe in Central province, Lusaka, Chongwe, Kafue, Nampumbwe and Mwembeshi in Lusaka Province, Monze, Choma, Mazabuka and Kalomo in Southern province. "Let me assure the listeners that Parliament radio will be truly non-partisan. No political party issues will be allowed on Parliament Radio though we will allow free speech which is our hallmark in line with the guidance and regulations," they quoted the Speaker.<sup>2</sup> The *Times* also repeated the fact that the station would broadcast live parliamentary debates but added some committee meeting proceedings and other informative programmes. According to the paper the speaker urged the general public to tune in to the station and listen to live parliamentary debates, saying the radio was the most effective method of reaching the people.

But unlike the two government newspapers *The Post* placed emphasis on the statement by Danish ambassador Orla Bakdal. In this regard the paper stated "an independent parliament is the foundation for democratic governance" as its intro adding that Bakdal noted that an efficient parliament provided a system of checks and balances for a well functioning democracy. Ambassador Bakdal said the Parliament and Public Radio Information System launched yesterday reaffirmed the Danish government's commitment to the promotion of governance systems in Zambia. "This means ensuring a National Assembly that is more representative, efficient, accountable and legitimate based on the democratic governance system in Zambia," he said.<sup>3</sup> The *Times* similarly echoed the ambassador's views as follows: "We believe that an independent parliament is the basis for democratic governance as an independent and efficient parliament provides a vital mechanism as part of the overall checks and balances necessary for a well functioning democracy." Further Bakdal said it was essential for Parliament Radio to adhere to principles of a level playing field especially as the country prepared for the 2006 elections. Bakdal also advised MPs against using Parliament Radio only in an election year because their constituents had the right to know what was said by their representatives all the time. He said he was confident that regulations that had been put in place would hinder misuse of the radio station for what he termed "narrow party-based election campaign purposes." The Parliamentary Radio is part of the Danish Government's good governance systems in Zambia involving a US\$400,000 grant signed in 2003, for the provision and installation of Frequency Modulation (FM) equipment for

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<sup>1</sup> *Mail* Mar 21, 2006

<sup>2</sup> *Times* Mar 21, 2006

<sup>3</sup> *Post* Mar 21, 2006

the transmission of National Assembly sessions, the paper said. And the Parliamentary Committee Reforms and Modernisation chairperson David Matongo noted the continued donor support towards parliamentary reforms, which he said, would take parliament to greater heights in its quest to represent the people of Zambia.<sup>1</sup>

And two media bodies, PAZA and ZAMWA described the launch of Parliament Radio as a welcome move, which would enable the electorate hold, their leaders accountable. PAZA vice president Amos Chanda said the launch of the Parliament Radio would add another dimension to the industry in that it would provide specialization in Parliamentary reporting. He said the media had for a long time encouraged specialization and believed Parliament Radio would now provide this. He further said that Parliament Radio had added to the growing number of radio stations in Zambia that would enable people have an increased access to information.<sup>2</sup>

The end of the quarter saw the return of claims by a cell phone services provider that they had upgraded their services. Zamtel on March 28 run an advert announcing the installation of additional base stations in Chingola, Kitwe and Livingstone. The advert further said that both Chingola and Livingstone were well covered. It added that in Western province Mongu, Kaoma and Limulunga were also connected and that more districts would soon be connected to the network countrywide.<sup>3</sup>

The end of the quarter exposed the problems ZNBC radio has regarding its independence. *The Post* reported March 29 that the organisation had refused to play Maiko Zulu song entitled *Mad President*. As a result of ZNBC's refusal Zulu on March 28 apologised to all listeners and fans that had waited to sample his latest album on ZNBC radio 4 channel. Zulu told the paper this his promotional interview on ZNBC's radio 4 about his latest album *Mad President* had failed to take place as he was informed barely a minute before the programme was to begin that the title track of the 14 track album could not be played. Apparently Zulu had paid for airtime and the controller of Radio 4 had pre-listened to the album and given a green light. And according to Zulu only ZNBC radio had not played music from his album. "This is indeed a sad development in the media fraternity where pieces of music are denied air play and silently banned thereby denying the artiste the right to access to the public media. It also highlights the absence of press freedom," he said. When contacted for comment ZNBC director of programmes Ben Kangwa said he had not heard about Zulu's album. And Zulu in a letter to ZNBC marketing manager Robert Banda expressed his disappointment demanding an official explanation into the interference in the arrangement for the promotional interview. He said that ZNBC had accepted K358, 400 on March 24, 2006 for the promotion of the album.<sup>4</sup> It appeared the lyrics of the song caused the ban and here below is the taste of the first two verses and a chorus:

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<sup>1</sup>*Times* March 21, 2006 – The station will be transmitting on 94.0 MHz FM band to towns on the Copperbelt, 91.3 MHz to Kapiri Mposhi and Kabwe areas, 92.6 MHz for Lusaka and the surrounding areas, 105.5 MHz for Pemba and the surrounding towns and 100.5 MHz for Livingstone, the newspaper added.

<sup>2</sup>*Mail* Mar 22, 2006

<sup>3</sup>*Mail* Mar 28, 2006

<sup>4</sup>*Post* Mar 29, 2006

*I am a Mad president (3)  
My government is me, Myself, and I  
I am the Police, the Judge and Jury  
I hire and fire at my own desire  
I am the one prosecutor  
I am the bounty in the area*

*I make my own rules  
I make my decisions  
I do not need no one to give me advice  
I know everything that I need to know  
I am the don of the area  
I am the reason for your fear*

**Chorus**

*Gonna smoke my pipe in the Parliament Yard  
I will make policies to make you suffer  
I am gonna rule the nation like a true dictator  
I am the venomous cobra  
I am the badder than bad*

#### **4.0 Freedom of Information during the first Quarter of 2006**

As in the case of broadcasting the question of Freedom of Information was highlighted during the quarter through the final draft constitution. Apart from the need for legislation that promoted the independence and impartiality of public media the draft recommended that journalists should not be compelled to disclose sources of information except as may be determined by the courts of law. Though this provision had such a limitation it somewhat heralded the possibility of protection of whistle blowers. Further the draft also recommended that there should be no law to make any provision that derogated freedom or independence of the press and that no individual or government institution should impose censorship on any form of publication, broadcast or dissemination of information, comment or opinion. A government institution should also not interfere with the freedom of expression of any writer, editor, publisher or broadcaster and shall not harass or penalize a person for any opinion or view or the content of any publication, broadcast or dissemination.<sup>1</sup> All these provisions appeared to be promising and revolutionary. But the Post newspaper was more forthright in its report of the Mung'omba final draft constitution. In this regard the paper reported that the CRC had recommended that citizens had the right of access to information held by the State.<sup>2</sup>

Early in January media bodies urged the government to get serious with media law reforms. Speaking on behalf of the media bodies PAZA vice-president Amos Chanda said the implementation of both the Independent Broadcasting Authority (IBA) and ZNBC Acts should be treated as a matter of urgency that should in turn allow Zambians the full enjoyment of the right of freedom of expression. “Legislative reforms are also required for the public print media, in line with what has been done for ZNBC. Further, the enactment of the withdrawn freedom of information bill (FOI) should be given appropriate attention,” Chanda said adding: “What we are asking for is for the government to get serious with media law reforms. Freedom of expression and freedom of the press should be constitutionally guaranteed. Government must take the necessary legislative and policy measures to make this happen soon. We don't want to waste any more time and money on endless discussions and reviews of media laws and the constitution. We urge President Mwanawasa to give us what we have demanded. This will surely be cause for us to join him and the rest of the country in celebrating this year's Independence Day,” he said. Further Chanda noted that when President Mwanawasa came to power there was renewed hope that progress would be made in the area of media reforms. He said the media associations took a cue from the renewed hope and pressed ahead with calls for the enactment of the FOI Act as recommended previously. Chanda also noted the Mung'omba draft constitution provisions on the media were exactly what the media have been praying for and urged the government to accept them without reservations.<sup>3</sup>

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<sup>1</sup>*Mail* Jan 2, 2006

<sup>2</sup>*Post* Jan 4, 2006

<sup>3</sup>*Post* Jan 10, 2006 - The media bodies comprise MISA-Zambia), PAZA, Press Freedom Committee of The Post Newspapers (PFC), Society for Senior Zambian Journalists (SSJZ), ZAMWA and ZUJ.

But government did not take the matter seriously as requested by the media bodies. It was clear that this was the case during the opening of the National Assembly on January 13, 2005 when President Mwanawasa simply ignored the subject. The reaction from MISA Zambia was one of disbelief because the president's silence had dampened hopes of whether government would ever implement media law reforms. In a statement, MISA Zambia chairperson Kellys Kaunda was disappointed that President Mwanawasa did not address issues affecting the media in his speech to Parliament. "This glaring omission has put to an end to any hope that the new deal government might implement media law reforms as MMD promised in the 2001 election manifesto upon which President Mwanawasa was elected," Kaunda said adding that this had sent a loud message to the media that media law reforms were not on government's agenda this year.<sup>1</sup>

But to emphasise this position Information minister Vernon Mwaanga talked of a lot of other issues including the fact that there was a lot of biasness in the reporting of news by Western media organisations. Mwaanga also observed the need for less suspicion of the private media by the government as he urged journalists to uphold their professional integrity in their execution of duties. Mwaanga also talked about the future of the private media in Zambia was very bright and had an important role to play in society and that there was need to reduce suspicion of them. "I foresee a time when there will be less suspicion of the private press, and the building of confidence between the government and the private press," Mwaanga said. Perhaps as a side issue Mwaanga then added that his ministry was still making consultations on the enactment of the Freedom of Information (FOI) Bill. He said the United Kingdom, which enacted the FOI Bill last year was already experiencing problems and had intentions of making amendments. Mwaanga said it would be prudent for government to make wider consultations before enacting the bill. And *Post* editor Fred M'membe said it was befitting to have Mwaanga officiate at the training programme because he has a lot of experience in journalism considering he worked as editor-in-chief of the *Times of Zambia* in the early 70s. The 25 reporters being trained by *The Post* came from a diversity of training backgrounds including journalism, economics, education and mass communication, Mmembe said.<sup>2</sup> With the information minister insisting about consultation the vice president Lupando Mwape dampened the expectations of journalists further when on January 27 he told Parliament that the FOI Bill would not be re-introduced to the House until certain measures of concern were considered. Mwape told the House during the weekly question-and-answer session that the Bill if not handled properly would breed chaos and certain measures had to be taken to prevent this. He was answering a question from Mangango MP Chrispin Shumina FDD who wanted to know when the Bill would be taken back to Parliament. "Excess freedom is dangerous and we don't want chaos and government has to be careful before

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<sup>1</sup>*Post* Jan 19, 2006

<sup>2</sup>*Post* Jan 24, 2006 - Officiating at the third training programme for new *Post* reporters at the newspaper's offices, Mwaanga said despite there being a number of positive aspects to report on in developing countries, Western media organisations chose to focus on negative aspects. Mwaanga said ministers of non-aligned nations recently met and had agreed to form a Non-aligned News Network (NNN) with the aim of removing imbalances in the reporting of issues in non-aligned countries by the Western media.

coming up with a position,” Mwape said.<sup>1</sup> And in a contradictory statement health deputy minister Chilufya Kazenene on February 2 talked of the importance of providing information as close as possible to the community as the key factor in developing public health programmes. Information played a key role in public health, he emphasised.<sup>2</sup> But on February 16 information minister Vernon Mwaanga put paid to all hopes that information could play such a key role when he reiterated that the FOI Bill would be taken to Parliament during the present sitting. Mwaanga repeated what he told the *Post* earlier about the Non-Aligned countries meeting and its concern about distorted information of events in developing countries published by the media in developed countries. Giving a ministerial statement on the conference Mwaanga said the ministers had noted that it was important for non-aligned countries to take advantage of ICT to create information linkages among themselves that would ensure development. On the FOI Bill Mwaanga said he would not bring the Bill to Parliament before the end of this session due to ongoing consultations in and outside Zambia.<sup>3</sup>

Further in its campaign MISA Zambia organised a Rights of Journalists Workshop at Andrews Motel targeted at journalists as advocates of Freedom of Information and Human Rights.<sup>4</sup> In one of the papers presented to the workshop by PAZA vice president Amos Chanda noted there ought to be no need for emphasis on the “imperatives of Freedom of Information to a journalist because journalism by its nature is a platform of advocacy.” As his argument also noted that there was lack of detailed knowledge among journalists, both junior and senior, hence he proposed that the campaign for Freedom of Information legislation (FOI) should also be waged in newsrooms. He said one of the reasons for wanting FOI was that this law was more about the public the media served than for the media personnel. In this regard the FOI would “help cure some of the problems including the accusations by the Information Minister that the quality of journalism has gone down” and instead it might be argued that “when all forms of public information are kept in secrecy the quality of ‘stolen’ information is obviously likely to be poor.” Hence, he observed: “I submit that our advocacy for Freedom of Information will only succeed if we succeeded in creating a mass movement, which is non-legal, non-media per se; a grassroots critical mass that must feed into the ongoing campaigns media associations have so painstakingly been undertaking.” And according to Chanda Freedom of Information “is a freedom so central to the grassroots, so crucial to the very justification of other fundamental rights and freedoms because without information, any other freedom becomes merely academic. It is therefore a legitimate right for any journalist to seek this law on information so that we are able to deliver the right kinds of messages the public needs to know about public affairs.”<sup>5</sup> And on February 25 MISA Zambia released some resolution from the rights workshop. In their preamble the participants recognized the role of the Freedom of Information (FOI) law in enhancing the rights of Zambian journalists, understanding their role in advocating for the FOI law and human rights and appreciated the critical role the FOI law played in the evolution of

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<sup>1</sup>*Times* January 28, 2006

<sup>2</sup>*Post* February 3, 2006

<sup>3</sup>*Times* Feb 17, 2006

<sup>4</sup> *MISA Zambia Press Release Feb 24, 2006* – On workshop on the Zambian Journalist as an Advocate for Freedom of Information and Human Rights

<sup>5</sup> Paper by Amos Chanda, also covered in *Mail* February 25, 2006

Zambian democracy stated their determination “to ensure that the right to freedom of information is passed as law in Zambia. Thus the participants resolved that they would champion the FOI law as a human right so the public to appreciate that it is meant for all citizens of the Republic of Zambia. They would also find ways of engaging the public to raise their awareness for the FOI law in Zambia, and gain their support for its enactment. Further they would take steps to encourage fellow journalists to subscribe to the ideals of the FOI law and would encourage interaction between practicing journalists and media training institutions. They would also encourage media trainers, media associations and media houses to cooperate in advocating for the FOI law and would continue to pressure government by all reasonable means at our legal and moral disposal to enact the FOI law during the current session of Parliament.<sup>1</sup>

On March 1 Parliament approved K24 Billion budget for the ministry of information and broadcasting services though backbenchers emphasized on equal use of the media during the run up to elections. Solwezi East MP Patrick Kangwa urged government not to personalize the public media but that it should accord the opposition an opportunity to access the facilities while Kapoche MP Charles Banda was taken aback by the amount allocated for the ministry saying it was too little considering this was an election year. Banda was also saddened by government’s failure to table the FOI Bill and accused government of being insincere over the matter. But commenting on these sentiments Mwaanga assured the House that government would ensure free and fair coverage of elections and that the opposition would be free to use the public media. He, however, observed that about the need for raising journalistic standards in Zambia as he again claimed that government had continued to consult on FOI Bill.<sup>2</sup>

Perhaps as emphasis on ZNBC’s approach to its broadcasting mandate on March 28 singer Maiko Zulu revealed that the national public broadcaster had refused to play Zulu’s song entitled *Mad President*. The musician apologised to all listeners and fans that waited to sample his latest album on ZNBC radio 4 channel. “This is indeed a sad development in the media fraternity where pieces of music are denied air play and silently banned thereby denying the artiste the right to access to the public media. It also highlights the absence of press freedom,” he said. Zulu expressed his disappointment and demanded an official explanation into the interference in the arranged promotional interview. He that ZNBC had accepted K358, 400 on March 24, 2006 for the promotion of the album.<sup>3</sup>

On March 30 MISA Zambia made a submission to the Committee on Information and Broadcasting Information and Broadcasting Services on the topic – Press (Media) Freedom in Zambia – Is it realistic?<sup>4</sup> The statement first defined the term “press freedom” as it was traditionally used to refer to the freedom of newspapers or “the printed press” in its work of gathering and reporting information without interference. The use of the term

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<sup>1</sup>*MISA Zambia Resolution Feb 25* – Resolutions of the 2006 MISA Zambia “Rights of Journalists” Workshop on “The Freedom of Information Law and the Rights of Zambian Journalists,” Held at Andrews Motel in Lusaka on 24 February 2006. Also published in *Mail* February 25, 2006

<sup>2</sup>*Times* March 2, 2006. Also in *Mail* of the same date.

<sup>3</sup> *Post* March 29, 2006

<sup>4</sup>*MISA Zambia Statement* March 30, 2006

was unquestioned until new forms of communication media, initially radio, then television, emerged and begun to assume a place equally important if not more important than newspapers. Over time the statement stated, the term “press freedom” has ceased to refer strictly to liberty of newspapers to publish, and is often used as a generic term referring to freedom of different types of communication media to publish information without hindrance though it is now commonplace to speak of “media freedom” as opposed to “press freedom”. But for the purpose of MISA Zambia’s submission, the terms “media freedom” and “press freedom” were used interchangeably.<sup>1</sup> Further the statement noted that in Zambia, unlike in the United States and South Africa, freedom of the press was not explicitly guaranteed in the constitution though it is provided for by way of inference in Article 20 (1) relating to freedom of expression.<sup>2</sup> The statement then referred to the First Amendment of the United States Constitution provides that: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”<sup>3</sup> The statement also referred to the provision in the South African Constitution where freedom of the press was explicitly granted in Section 16(1)(a) which says: “Everyone has the right to freedom of expression, which includes... freedom of the press and other media.”<sup>4</sup>

But in the case of Zambia, the MISA Zambia statement noted, the freedoms provided in Article 20(1) of the Zambian Constitution are, for all intents and purposes, all taken away in Article 20(3).<sup>5</sup> But the 2005 draft constitution of the Mung’omba Constitution Review Commission has remedied this by providing generously for freedom of the media in Article 57(1) which says: “There shall be freedom of the press and other media”<sup>6</sup> while Article 57(2) forbade the enactment of any law which derogated from freedom of the press by providing that: “Subject to this Constitution, a law shall not make any provision that derogates from freedom or independence of the press and other media”<sup>7</sup>. On the other hand Article 58 tried to protect journalists from disclosing their sources except when they were called as witnesses in court while Article 59 tried to give independence to the state-owned media. “If these provisions are enacted into law as

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<sup>1</sup> [http://en.wikipedia.org/wiki/Freedom\\_of\\_the\\_press](http://en.wikipedia.org/wiki/Freedom_of_the_press)

<sup>2</sup> <http://www.thezambian.com/Constitution/1996partiii.aspx#20> -“Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to impart and communicate ideas and information without interference, whether the communication be to the public generally or to any person or class of persons, and freedom from interference with his correspondence.”

<sup>3</sup> <http://www.barefootsworld.net/article1.html>

<sup>4</sup> <http://www.polity.org.za/html/govdocs/constitution/saconst02.html?Rebookmark=1#16>

<sup>5</sup> <http://www.thezambian.com/Constitution/1996partiii.aspx#20> - Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this Article to the extent that it is shown that the law in question makes provision: (a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health; or (b) that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating educational institutions in the interests of persons receiving instruction therein, or the registration of, or regulating the technical administration or the technical operation of, newspapers and other publications, telephony, telegraphy, posts, wireless broadcasting or television; or (c) that imposes restrictions on public officers; and except so far as that provision or, the thing done under the authority thereof as the case may be, is shown not to be reasonably justifiable in a democratic society

<sup>6</sup> Constitution of Zambia Bill 2005.

<sup>7</sup> *Ibid*

proposed by the Mung'omba Constitution Review Commission, Zambia will have one of the strongest protections of media freedom in the world," MISA Zambia observed in their statement to the committee.

On press freedom in Zambia the statement observed that it was more accurate to state that there was a *semblance* of press freedom in Zambia rather than to say there actually *is* press freedom in the country. "We say semblance because that perceived press freedom that is manifested in the number of newspapers, magazines, radio stations and television stations that are in operation in the country, is subject to the whims of the President and government in power," the statement declared. For example, though the media was liberalised during the rule of former President Frederick Chiluba, giving rise to a multiplicity of newspapers, radio and television stations, his government was equally ruthless with journalists, especially those from the private media, who were deemed to be a threat to its survival through their expose of bad governance and human rights abuses, and giving the opposition and civil society a platform to express their often critical views. It may not be an exaggeration, the statement noted, to say that during the 10 years of the Chiluba government, more journalists were arrested, detained and taken to court than during the 27 years of Dr. Kenneth Kaunda's rule. The statement then went on list a number of laws in the Penal Code which criminalised journalism and severely restricted freedom of the press.<sup>1</sup> The statement recalled two thorough audits of laws impinging upon press freedom in Zambia - the 1993 Media Law Reform Committee and the 1999 Task Force on Media Law Reforms - were commissioned by the government. These made wide-ranging recommendations on media law reforms, which in most cases have not been implemented. Thus, once the new constitution is enacted it will be easy to have the Freedom of Information Bill which has been pending for almost four years to be enacted into law, the statement observed.

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<sup>1</sup>Example, laws such as Section 69 relating to "defamation of the president" and Section 67 relating to "publication of false news with intent to cause fear and alarm to the public".

## 5.0 Print Media during the first Quarter of 2006

The first quarter saw the final draft constitution prepared by the Mung'omba Commission. They recommended that Parliament should enact legislation to promote the independence and impartiality of the public media. The recommendation also says journalists shall not be compelled to disclose sources of information except as may be determined by the courts of law and to ensure freedom of the media, the draft further recommends that there should be no law to make any provision that derogate freedom or independence of the press. An individual of government institution shall also not interfere with the freedom of expression of any writer, editor, publisher or broadcaster and shall not harass or penalize a person for any opinion or view or the content of any publication, broadcast or dissemination.<sup>1</sup>

And local media bodies have urged the government to get serious with media law reforms. "What we are asking for is for the government to get serious with media law reforms. Freedom of expression and freedom of the press should be constitutionally guaranteed. Government must take the necessary legislative and policy measures to make this happen soon," PAZA vice-president Amos Chanda said on January 9 on behalf of the media bodies, adding "We don't want to waste any more time and money on endless discussions and reviews of media laws and the constitution. We urge President Mwanawasa to give us what we have demanded." He said draconian media laws were inherited from the British and that it was tragic that successive governments since the dawn of multiparty democracy have equally failed to expunge them despite several appeals.<sup>2</sup>

MMD chairperson for Information and Publicity Benny Tetamashimba has said the letter, which appeared in the Post Jan 20 purporting have been authored by President Mwanawasa, was fake. The letter was supposed to be a directive from the president to Inspector General of Police Ephraim Mateyo directing him to inform him on the action he allegedly took against PF cadres who were arrested last week. Tetamashimba, who is also deputy minister of Information and Broadcasting in an exclusive interview said the letter was not written on State House-headed paper and the signature at the bottom of the letter was not the president's. "The letter is nothing but a fabrication. President Mwanawasa never leaves out the 'P' for Patrick on his name and he never refers to his appointees as 'sir' like it appears in that letter," he said. He said he had no reason to doubt that the letter was allegedly written by the PF officials as they were the only ones capable of doing such a thing. He said President Mwanawasa never ordered the arrest of any PF cadres and that security forces would be able to trace the source of the letter. He said that once the authors of the letter were found they would find it difficult to defend themselves.<sup>3</sup> By January 23 the PF leader Michael Sata was jointly charged with Inspector Clement Banda of Matero police for forgery and uttering false documents.<sup>4</sup>

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<sup>1</sup>Mail Jan 2, 2006

<sup>2</sup>Post Jan 10, 2006 - The media bodies comprise the Media Institute of Southern Africa (MISA-Zambia), Press Association of Zambia (PAZA), Press Freedom Committee of The Post Newspapers (PFC), Society for Senior Zambian Journalists (SSJZ), Zambia Media Women Association (ZAMWA), and Zambia Union of Journalists (ZUJ).

<sup>3</sup>Mail Jan 21, 2006

<sup>4</sup>Mail Jan 24, 2006

Early in February controversy of the possible introduction of VAT erupted in the print media. Finance minister Ngandu Magande proposed in his budget on February 3 that he would charge VAT on the price of newspapers in a measure that would result in a revenue gain of K5.2 billion. The reaction from the industry and other stakeholders was quick. On February 5 *Post* general manager Michael Phiri said charging Value Added Tax on copies of newspapers sold would destroy this extremely fragile publishing sector. Commenting on the introduction value added tax (VAT) on the sales of newspapers and magazines, Phiri said the classification of newspapers under standard rate would have a negative impact on the readership. “If you look at the media industry, this will have an adverse impact on operations. Much as the government says we will recover on our input, the impact on cash flow is higher than recovery,” he said, adding that with the appreciation of the kwacha, it would not be prudent at the moment to think of an upward price adjustment. “Newspapers are supplementing the government’s efforts because people are able to know what is happening locally and internationally at a subsidised cost,” said Phiri.<sup>1</sup>

On February 6 MISA Zambia joined the fray saying the introduction of value added tax (VAT) on newspapers and magazines was retrogressive. MISA Zambia chairperson Kellys Kaunda said the introduction of VAT would further reduce both the already low levels of readership in the country especially that the economic development of the media industry in the country was low. “Media products do not attract the kind of money that other products in the country do,” said Kaunda. “You (government) are simply complicating further the ability for people to access information and that is retrogressive.”

Kaunda said government should instead have considered reduction of import duty on newsprint or giving amnesty on equipment used by the media such as cameras. “The media plays a very important role of informing citizens and we feel this introduction of VAT will further reduce the number of people who have access to information. The kind of information they need to engage government intelligently on issues,” Kaunda said, adding that it was unfortunate that the move came in an election year when people needed more information on what was happening in the country. Kaunda said the private media’s efforts to reach rural parts of the country would now be frustrated and that the government itself did not have the capacity to reach the entire country.<sup>2</sup> Three other media bodies urged government to rescind its budget proposal to standard rate all printing materials on VAT as this would greatly affect the newspaper industry. PAZA, ZUJ, Society for Senior Journalists said the proposed standard rate would deny most Zambians of vital information. PAZA president Andrew Sakala said the introduction of VAT on newspaper sales would destroy the media industry in Zambia. Sakala appealed to Finance minister Ngandu Magande to reconsider the decision. In an interview in Ndola on February 6 Sakala said the newspaper industry was already faced with operational problems including payment of tax on consumable products such as ink, plates and films. He appealed to MPs to impress upon the finance minister to withdraw the proposal,

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<sup>1</sup>*Post* Feb 6, 2006

<sup>2</sup>*Post* Feb 7, 2006

which could prove dangerous to the promotion of democracy, especially that people depended on newspapers for information and advertisements. And ZUJ vice president Morgan Chonya in an interview on February 6 also said that the performance of the newspaper industry in Zambia was going down because most readers could not afford to buy a copy of a newspaper everyday. He said the proposed VAT rate would not help the industry and urged government to consult media stakeholders to establish the facts. SSJ chairperson Ridgeway Liwena said the proposed standard VAT rate on printing materials would be the quickest way to destroy the media in Zambia. He said Zambians needed information through newspapers and magazines especially as the country draws closer to elections.<sup>1</sup>

But on February 7 Finance Minister Ngandu Magande told the newspaper industry that they should share their profits with their readers. In an interview over the budget proposal to introduce Value Added Tax (VAT) on newspaper and magazine sales, Magande said it was up to the newspaper industry to decide whether or not it would increase the cover price of its newspapers. He said the introduction of VAT on newspaper sales was a cost that an individual company could decide to bear or share with the consumer. “Just because we have introduced VAT doesn't mean the price of the newspaper should change,” Magande said. “It means we should be sharing these profits with the consumer. You (*The Post*) want to maintain the same profits you have been making and have the consumers bear the cost?”

Magande said this was the first time the government had introduced VAT on newspaper sales and there was need for the newspaper industry to make adjustments. “Increasing your newspaper price is not what we mean by adjustment but of course there should be adjustment within reasonable means,” he said. “You don't have to increase your price by 17.5 per cent, you can increase by ten or even five per cent.” He said the industry still needed its readers and increasing newspaper prices should be done with knowledge of the impact on sales. “I'm sure you have done research on how much your readership goes down when you increase your prices,” he said. “Are you going to pass on the cost to the consumer? You have been increasing prices so you know how much your sales go down.” Magande said there was need to make a sacrifice if newspapers wanted to maintain its revenue, as it was dependant on its readers. “So even before you increase, you have to say, 'before we review our prices, we should know by how much our readership will go down' because if you don't sell your newspaper, you will not get revenue. We should all sacrifice,” said Magande.<sup>2</sup>

In addition, stakeholders such as the University of Zambia Students Union (UNZASU) and the Jesuit Centre joined the outcry over the introduction of VAT for Theological Reflection (JCTR). UNZASU said the VAT on newspapers and magazines sales would rob the majority of Zambians the opportunity to buy newspapers. UNZASU Secretary General Stanford Kabwata said the move would deprive Zambians of vital information needed to make informed decisions and choices particularly now that the

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<sup>1</sup>*Times* Feb 7, 2006

<sup>2</sup>*Post* Feb 8, 2006

country was going towards the tripartite elections.<sup>1</sup> And JCTR director Father Peter Henriot said VAT should be kept away from newspaper sales. In an interview, Fr. Henriot said slapping VAT on newspapers would make them out of reach of many people. “The key is to keep VAT away from the newspapers. The key is to keep the newspapers within reach of the ordinary people,” Fr Henriot said. He said being an election year, making newspapers out of reach by many ordinary people would have devastating effects on people who were already used to newspapers as families and businesses.<sup>2</sup> Also joining the protest were Matero residents who expressed worry that the introduction of value added tax (VAT) by government on newspaper sales would make the commodity unreachable for many poor people who relied on them to make informed decisions. Matero resident Edwin Zulu said VAT on newspaper sales would make it difficult for readers to make an informed decision during elections. Zulu said the most affected would be the private media that many people relied on. He charged that the government media was biased and was propagating government affairs.<sup>3</sup>

Interestingly on February 12 Information minister Vernon Mwaanga sympathised with the newspaper industry on the new VAT on newspaper sales but said there was little he could do because the decision was collective. In the wake of continued calls by the newspaper industry that the VAT be removed as it was detrimental Mwaanga said the decision was approved by Cabinet and could, therefore, not be single-handedly reversed. “I realize that the newspaper industry is already struggling at the moment and that the tax on sales is worrying proprietors but this was a decision arrived at by Cabinet and so, through collective responsibility I cannot overturn it,” he said adding that this was a revenue measure taken by government and, therefore, there was nothing he could do. “I am a strong believer in collective responsibility and I oppose the principle of collective irresponsibility. The decision taken cannot be altered by one minister,” he said.<sup>4</sup>

Both inside Parliament and outside the debate on VAT on newspapers and magazines raged. On February 14 Namwala MP Ompie Liebenthal-Nkumbula told Parliament that the VAT on newspaper sales was retrogressive and should be reversed. Contributing to the debate on this year’s budget Mrs Liebenthal-Nkumbula said the introduction of VAT on newspapers would disadvantage readers in making informed decisions. She said instead of encouraging Zambians to read more government was only interested in ensuring that such a feat was not attained. “Mr Speaker Sir, the VAT on newspaper sales in an election year is not good. I therefore urge the committee on estimates to quash this decision,” she said<sup>5</sup>

Outside Patriotic Front president Michael Sata on Feb 15 called on government to withdraw the proposed VAT on newspapers and magazines. He said the move was retrogressive to enhancing literacy levels in the country. Speaking during a MISA Zambia *Face the Media* programme on Radio Phoenix Sata explained that newspapers served the people’s interests by enhancing their literacy levels. “It is not too late for

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<sup>1</sup>*Sunday Times* Feb 12, 2006

<sup>2</sup>*Post* Feb 12, 2006

<sup>3</sup>*Post* Feb 12, 2006

<sup>4</sup>*Times* Feb 13, 2006

<sup>5</sup>*Times* Feb 15, 2006

government to rescind its decision on the introduction of VAT on newspapers. “Zambians must fight for their right to information,” he said. Sata said overpricing newspapers would deprive people of vital information in the country. “This measure to introduce VAT is aimed at curbing the newspaper industry. Today in Zambia the radical opposition is the Oasis Forum, the private newspapers and the Patriotic Front. If the private media does not publish what I say, then the people will not know,” he said. Sata called for the removal of all taxes pertaining to the production of newspapers and books so that levels are increased.<sup>1</sup>

And on February 15 six media organisations wrote to finance minister Ng’andu Magande, urging him to withdraw the newly introduced value added tax (VAT) on newspapers and magazines. In a letter to Magande, on behalf of the media associations, MISA chairperson Kellys Kaunda said although the media industry appreciated the government’s reasons for introducing VAT on newspaper and magazine sales, the impact on the development of the print media in Zambia would be disastrous. “We would like to take the very narrow window of opportunity available between now and the time the budget will be passed into law by Parliament, to raise our concerns about the disastrous impact that the proposed tax will have on the development of the print media in Zambia,” Kaunda said. He said the media had made consultations with experts regarding the implications on the industry and would provide facts to Magande to back their arguments on the impact the proposed tax introduction would have. “The overwhelming opinion is that it (VAT on newspapers and magazines) will further stifle the already struggling Zambian newspaper and magazine industry,” Kaunda said.<sup>2</sup>

The Zambian media industry was highly dependant on imports for inputs such as newsprint, ink, film, printing plates, printing machines, computers which attracted other taxes, Kaunda said. “Newspaper companies are already paying huge amounts in import duties to the government for these inputs,” Kaunda said. “For many years, we have been calling upon government to reduce taxes on these imports in order to cushion their impact on our operations.”

The media was hoping to get tax relief, as a way of encouraging the growth and spread of newspapers but instead were slapped with a new and somewhat punitive tax, Kaunda said. “Sir, the proposed tax will restrict the access of Zambians to information because the most likely reaction, if government does not reverse its decision, is that newspaper and magazine companies will have no option but to hike their cover prices,” Kaunda said. “This will force newspaper and magazine companies to either retrench staff or close down.” He said the expected job losses would in turn defeat the government’s policy of encouraging job creation through the provision of appropriate incentives to private companies. Kaunda said if the government did not reverse its tax measures on newspapers, graduates from the University of Zambia and Evelyn Hone College now

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<sup>1</sup>Mail Feb 16, 2006

<sup>2</sup>Times Feb 16, 2006 - The six media organisations requested a meeting with Magande to explain to him the disastrous effects that would arise from the new tax measures if effected.<sup>2</sup> The six media bodies include the Media Institute of Southern Africa (MISA) Zambia, Press Association of Zambia, Press Freedom Committee of *The Post* Newspaper, Society for Senior Zambian Journalists, Zambia Media Women Association and Zambia Union of Journalists.

roaming the streets would have no hope of ever getting a job in the newspaper or magazine industry.

A short respite on the VAT issue shifted the matter to harassment of media personnel. *Post* MD Fred Mmembe was on Feb 14 discharged when the state entered a nolle in his case. This was a case reported during the fourth quarter of 2005 in which M'membe was charged with defamation of the president. Divisional prosecutions officer Brian Lubinda made the application for the nolle prosequi when Mmembe appeared before magistrate John Ndeketeya. The case was due for trial but Lubinda told the court that he had received fresh instructions that he should enter a nolle and Mr Ndeketeya said he was dismissing the case and discharging Mmembe in view of the application by the state.<sup>1</sup>

But while M'membe was being discharged Police on February 15 questioned *Post* news editor Webster Malido over the forged letter, which was published in *The Post* last month. Malido's questioning was in connection with a forged letter dated January 14, 2006 that was sent to *The Post* by Patriotic Front (PF) president Michael Sata, purporting that President Mwanawasa ordered the arrest of PF cadres who waved at him on his way to the official opening of Parliament. *Post* Newspapers legal counsel Sam Mujuda accompanied Malido as he arrived at Lusaka Central Police station. In his short statement, Malido who was being interrogated by detective inspector Mubita Kashela, advised the police to direct their queries to *Post* editor-in-chief Fred M'membe over the issue. "I am not the editor-in-chief of *The Post*. If there are any queries relating to that matter, the editor-in-chief, Mr Fred M'membe, is best placed to answer," he said. Malido was released after 10 minutes of questioning. Police stated that they just wanted to know what he knew about the forged letter. On January 23, 2006, two police officers from the frauds department questioned and recorded a statement from M'membe, in his office, over the forged letter. He told the officers that he was not prepared to say anything on the matter beyond what had been published by *The Post* so far. On the same day, Sata appeared at Lusaka Central Police station accompanied by lawyer Bonaventure Mutale and his witnesses that he had rounded up to identify police inspector Clement Andaleke who he said had set a trap for him.<sup>2</sup> And commenting on the nolle prosequi entered by the government in the alleged defamation of the President Federation of Free Trade Unions (FFTUZ) president Joyce Nonde on February 17 said the government was abusing the law. "A lot of Zambians have been unjustifiably arrested and the government has to get out of the mess by entering a nolle," Nonde said. "Why not just acquit them? This is the reason why we want the constitution to be adopted as quickly as possible so that government cannot be getting out of their mess through a nolle."<sup>3</sup>

In Parliament on February 16 Information minister Vernon Mwaanga said the proposed introduction of VAT on newspapers and magazines the minister said the issue

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<sup>1</sup>*Mail* Feb 15, 2006

<sup>2</sup>*Post* Feb 17, 2006 -According to Cap 87 of the Penal Code, section 349 stipulates that any person who forges any judicial or official document, if found guilty, is liable to seven years imprisonment. For uttering a false document, section 352 of the Penal Code stipulates that any person who knowingly and fraudulently utters a false document is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the thing in question

<sup>3</sup>*Post* Feb 18, 2006

was subject of the ongoing debate of the 2006 budget.<sup>1</sup> Federation of Free Trade Unions (FFTUZ) president Joyce Nonde said on February 17 Members of Parliament would be the people's greatest enemies if they allowed the introduction of value added tax (VAT) on newspapers. Addressing *Post* trainee journalists on Thursday, Nonde said there was a need for Members of Parliament to ensure that this year's budget did not impose VAT on newspapers and magazines because doing so would deprive Zambians of relevant information. "Leaders want to make us completely ignorant by ensuring they introduce VAT and kill the private newspapers," she said adding that Zambian leaders liked seeing people in rural areas go without information so that they could tell them lies. "The rural people do not know anything, they are completely cut-off and why should we make it worse by introducing VAT to deprive those accessing information?" Nonde asked.<sup>2</sup>

However, in Parliament on February 17 the House was temporarily interrupted when members were divided over the motion by finance minister Ng'andu Magande to introduce a bill amending the VAT Act. This was when Munali FDD member of parliament Edith Nawakwi was debating the motion moved by Magande to introduce a Bill to amend the value added tax (VAT) Act to enable him apply proposals in the budget including the tax on newspaper sales. Nawakwi said it was not expedient for Magande to amend the VAT Act and called on the House to reject it. When Nakakwi started to explain what impact the VAT changes would have, deputy speaker of the National Assembly Jason Mfula said it was not yet time for members to debate because the bill had not yet been introduced to the House. But Nawakwi asked the deputy Speaker what was the point in him asking the House if there was any debate on the matter if they were not allowed to speak. The deputy Speaker said it was procedural to ask if the members wanted to debate. And when Mfula called for the vote and ruled in favour of those supporting the motion, opposition members refused to accept the outcome threatening to leave the House. Business was temporarily interrupted, forcing Mfula to call a division in which Luapula MMD MP Peter Machungwa voted with the opposition. However, the government carried the day with 57 votes against 39 of those opposing the motion.<sup>3</sup>

Pressure against VAT on newspapers continued both in and outside parliament. Former agriculture deputy minister Chance Kabaghe, who is also Matero FDD Member of Parliament said the new value added tax (VAT) measures in the 2006 national budget were retrogressive, especially so on agricultural inputs.<sup>4</sup> Outside the House, *The Tourism News*, managing editor Machova Musanshi said his newspaper was likely to be the first casualty of the new value added tax (VAT) on newspapers. Musanshi told the *Business Post* that following the standard rating of VAT on newspapers, supermarkets that sell the paper had refused to stock the latest edition. "This translates into about 1,000 copies in Lusaka alone. The super markets have indicated that they cannot sell the paper because we are not VAT registered," Musanshi said, adding: "They can only sell it after we indicate a VAT registration number on the paper so that they are not penalized by the

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<sup>1</sup>*Mail* Feb 17, 2006

<sup>2</sup>*Post* Feb 18, 2006

<sup>3</sup>*Post* Feb 18, 2006

<sup>4</sup>*Post* Feb 20, 2006

Zambia Revenue Authority (ZRA). This has hit us very bad.”<sup>1</sup> And Musanshi in a statement on February 22 said the VAT would negatively affect his publication. He said *Tourism News* fully supported efforts advanced by the five media bodies on engaging government over the VAT issue on newspapers and magazines.<sup>2</sup>

And speaking MISA Zambia Radio Phoenix programme FDD president Edith Nawakwi alleged February 22 that the introduction of value added tax (VAT) on newspapers was a political gimmick because government had realised that the government-owned newspapers were not popular. Nawakwi said introduction of VAT was retrogressive and would disadvantage the majority Zambians. She called on Magande to immediately withdraw the tax as many people lived on less than K3, 000 a day and could not afford a newspaper. “I look at it as government not being in favour of free press. If it were possible, it (government) would just walk in and close the independent press,” she said.<sup>3</sup>

In Parliament on February 22 Mbabala MP Emmanuel Hachipuka said the VAT slapped on newspapers and magazines was done in bad faith in that it would lead to closure of some publications. Presenting the Parliamentary watchdog committee on estimates report to the House Hachipuka asked government to scrap VAT on newspapers and magazines. He said the committee, which he chaired had recommended the scrapping of VAT on newspapers and magazines. “Mr Speaker Sir, this tax on newspapers is in bad faith in that it shall result in closure of some publications. It is the view of this committee that it be scrapped off,” he stressed.<sup>4</sup>

And during a public civic education forum organised by Catholic Commission for Justice and Peace (CCJP) in Kabompo at Mount Camel Hall, Kabompo residents condemned the introduction of Value Added Tax (VAT) on newspapers and magazines. One residents, Jacob Musumali, said government’s introduction of VAT was meant to hide information in order to manipulate people in rural areas. “The government is simply complicating the ability of us people in rural areas to access information and opinions of others which is very undemocratic,” he said as he urged government to rescind its decision to enable people in rural areas access information. Musumali observed that it was wrong for government to introduce VAT without consulting media houses on how it would affect circulation in rural areas. “We the people in rural areas would be more manipulated by politicians who are corrupt because of government’s decision to hide information from us,” he said. Another resident, Samuel Chinkome, said the media plays an important role of informing citizens which government seems not to appreciate.<sup>5</sup>

The media used all ways of publishing the message against the introduction of value added tax (VAT) on newspapers and magazines. Apart from Radio Phoenix MISA Zambia also utilized, Yatsani Radio where good governance and the community programme is transmitted. Thus appearing on such a programme Press Freedom

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<sup>1</sup>Post Feb 21, 2006

<sup>2</sup>Times Feb 23, 2006

<sup>3</sup>Post Feb 23, 2006. Also in Times of the same date.

<sup>4</sup>Times Feb 23, 2006

<sup>5</sup>Post Feb 25, 2006

Committee of the *Post* Newspapers chairperson Webster Malido said VAT would stifle the growth of the newspaper industry in the country. Malido who is also *The Post* news editor said the new VAT measures would make newspapers more expensive and therefore inaccessible to the majority of the reading public. He said in the long-term, the VAT measures would not be of any benefit to the media and the public. Instead of considering restrictive economic measures on publications, Malido said, the government should be concerned with the availability of cheap information to the public. He urged the government to look at the newspaper industry as a critical function of democracy and not an alternative source for government revenue.<sup>1</sup>

Parliament on March 1, 2006 approved the K24 Billion budget for the ministry of information and broadcasting services. Backbenchers, however, emphasized on equal use of the media during the run up to elections. But Pemba MP David Matongo expressed sadness that Information and Broadcasting minister Vernon Mwaanga did not fight the introduction of VAT on newspaper sales and magazines. However Mwaanga the minister of Finance Ngandu Magande was already considering the issue of VAT on newspapers and calls for its scrapping.<sup>2</sup> Also on March 1 at a virtual conference participants discussed the 2006 national budget and observed that sustaining high prices of newspapers would keep many poor people away from accessing information. According to some key issues raised during the conference organised by the Zambia Business Forum, the government seemed to have ignored the fact that newspapers were considered as part of educational publications that would help attain Millennium Development Goals (MDGs). Participants were drawn from the business community, technocrats and other interested members of the public. They noted that in this year's budget, the government had standard rated Value Added Tax on newspaper sales at 17.5 per cent for each copy sold. It was observed that measures such as the standard rating of VAT on newspapers were suggesting that the government was targeting sectors that seemed to be making money.<sup>3</sup>

But on March 2 Press Freedom Committee chairperson Webster Malido said the introduction of VAT on newspapers would negatively affect free expression and public access to information. He said media stakeholders want the VAT measures removed in the interest of the reading public. Malido was making the submission to the parliamentary committee on estimates on behalf of the six media bodies. And responding to a question raised by Chipata Central member of parliament Matthew Mwale who wanted to know if the media perceived this tax measure as a political move, Malido said the media did not want to believe it was a political move but it was in itself as a punitive measure both on the printing industry and the readers. Also responding to Mambilima MP who wanted to know if the media had made submissions on what incentive they would want, PAZA vice-president Amos Chanda said the media had made such submissions in 2003 and 2004. He said incentives that had been recommended were the reduction or removal of tax on printing materials and the implementation of the Media Law Reforms. And responding to a question from Hachipuka who said there might be a perception by the government that the private media was making profits due to the appearance of

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<sup>1</sup>*Post* Feb 26, 2006

<sup>2</sup>*Times* March 2, 2006

<sup>3</sup>*Post* Mar 2, 2006

organisations, *Post* Newspapers general manager Michael Phiri said the private media should not be punished for their efficiency. Phiri said the private industry's acquisition of assets in its quest for efficiency should not cause them to lose out. He said the perception by government that the private media was making profits should be backed by concrete information from the industry. In addition, Chanda said if the newspaper industry were to charge the economic rate for the actual cost of newspapers, newspaper copies would cost not less than K12, 000.

In conclusion, the parliamentary committee on estimates referred the case of the media bodies' opposition on the newly introduced value added tax on newspapers to the Parliamentary Committee on Delegated Legislation. Estimates committee chairperson Emmanuel Hachipuka advised the media bodies that the case could not be heard by his committee because the Value Added Tax (VAT) on newspapers was already in effect. He explained that his committee only dealt with issues that were not yet legislated and that finance minister Ng'andu Magande had used his delegated authority to introduce the tax measure that had by-passed Parliament. And Parliamentary counsel in the Ministry of Justice Mwenya Bwalya said the estimates committee could only take views on issues that had not yet come into force. Hachipuka however said the committee took cognisance that the matter had been brought before them and would refer it to the speaker who would in turn refer it to the committee on delegated legislation. "We can ask Mr Speaker to add this matter to the schedule of the committee on delegated legislation," he said.<sup>1</sup>

In addition, during debate in the House it was clear that government had backed down on VAT on newspapers. Closing debate on the VAT Bill minister of Finance and national Development Ngandu Magande acknowledged this.<sup>2</sup>

The *Times* on March 16 reported that government would soon issue a Statutory Instrument (SI) to exempt newspapers and magazines from the standard value added tax (VAT) introduced in this year's Budget, Finance and National Planning Minister Ng'andu Magande told Parliament on March 15. But opposition MPs walked out of the House after Speaker of the National Assembly Amusaa Mwanamwambwa ignored granting them a division when they did not agree to the proposed amendments to the VAT. The MPs walked out amid shouts that they would not be dictated to by the Speaker even when a division had been made over the motion. During debate on the VAT Amendment Bill Mr. Magande told the House that Government had listened to concerns raised by the stakeholders and would give the concessions as requested. Mbabala MP, Emmanuel Hachipuka (UPND) said it was good that the Government had accepted the removal of tax on newspapers as the industry needed support. In winding up the debate, Mr. Magande said tax measures in the Budget could not favour everyone as there was always some people to be affected. However, when the Speaker finally asked the House on whether the Bill should pass the second reading, some opposition MPs refused and called for a division, but the Speaker dismissed their calls and dissolved the House into committee. He warned that he would not tolerate anybody promoting trouble in the

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<sup>1</sup>Post Mar 3 The six media organisations appealing for the removal of VAT on newspapers include the PAZA, ZAMWA, Press Freedom Committee (PFC) of the *Post* Newspaper, MISA Zambia, Society For Senior Zambian Journalists (SSZJ) and the ZUJ  
<sup>2</sup>National Assembly Debates Mar 15, 2006

House. However, immediately after the Speaker had left, the opposition MPs, led by Mr. Chrispin Sibetta (UPND) walked out of the House. Only Zambezi East MP, Maxwell Mukwakwa remained on the left side of the House with deputy ministers. Chairperson of committees Jason Mfula, however, allowed the debate on the Budget estimates to continue as a quorum had been formed.<sup>1</sup>

On March 16 – MISA Zambia, PAZA, ZAMWA, Press Freedom Committee of the Post, Society for Senior Journalists and ZUJ commended the government for scrapping the VAT on newspapers and magazines announced by Finance and National Development Planning minister Ngandu Magande on February 3, 2006. The decision, bitter as it might be, was most welcome because the tax would have had negative effects on the newspaper and magazine industry in the country. Among the likely effects would have been a sharp increase in the newspaper and magazine prices, putting them beyond the reach of a large section of the already over taxed Zambian population. Industry insiders had warned that jobs would have followed the introduction of the VAT because newspapers and magazines would have had great difficulties sustaining their operations at existing prices under the new, punitive tax regime, said Kellys Kaunda on behalf of the other associations.<sup>2</sup> *FM News* March 16 reported that the six media bodies had welcomed government cancellation of VAT on newspapers.<sup>3</sup> The *Mail* Mar 17 reported about the five media bodies commending government's decision to scrap the VAT on newspaper and magazine sales, which was effected by, finance minister Ngandu Magande on February 4.

PAZA vice president Amos Chanda said the decision by government was positive, as it would prevent a financial crisis that was going to characterize the media industry. Chanda said the *Times*, the *Mail* and the *Post* were collectively going to lose K1.5 Billion in circulation revenue if the VAT move was not reversed. MISA Zambia chairperson Kelly Kaunda welcomed the decision because the tax would have had negative effects on the newspapers and magazines industry as there could have been a sharp increase in newspaper and magazine prices. ZUJ Secretary General Nigel Mulenga said the benefits of the waiver would trickle down to the employees of media organisations as some resources would be used to better the conditions of service of workers. He said the ZNBC, *Mail* and *Times* were currently undergoing financial difficulties. ZAMWA chairperson Margaret Chimanse said she was happy that government had listened to the people. Chimanse said the VAT imposed on newspapers was unnecessary because most newspapers were already struggling.<sup>4</sup>

The Media Trust Fund (MTF) appealed to government to consider granting tax exemption on imported media equipment if support to the media industry in Zambia was to be enhanced. MTF chairperson Hakainde Hichilema said this when he handed over 10 computers procured by the Trust at a cost of K81 million to *Times* Printpak in Lusaka. He said the tax on donated imported equipment was so high that MTF was finding it difficult to support more media houses, which required equipment as the Trust spent more money

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<sup>1</sup>*Times* March 16 – Also *Mail* March 16 – Government has waived the VAT on newspapers and magazines, minister of Finance and Development Planning Ngandu Magande disclosed in Parliament March 15.

<sup>2</sup>*MISA Zambia Press Release* March 16

<sup>3</sup>*FM News* March 16, 2006. Also *Mail* Mar 17, 2006

<sup>4</sup>*Mail* Mar 17, 2006

on paying duty. The MTF believed that a free, independent, vigorous and professional media was critical to good governance and it was what was needed to institutionalise good governance, transparency and accountability on the political fabric.

*Times of Zambia* deputy editor-in-chief Hicks Sikazwe assured the MTF that the equipment would be looked after and used for the intended purposes. He commended MTF for assisting Times Printpak for the second time after another gesture in 1998. Mr. Sikazwe said the equipment would assist the company build capacity especially in improving rural coverage. Apart from reopening Kabwe and Livingstone, the *Times* had also opened outlets in Solwezi and Chipata. Plans were underway to open offices in all provincial centres.<sup>1</sup> On March government formerly waived both the controversial newspaper and magazines standard rate Value-Added Tax (VAT) and the 45 per cent withholding tax on agricultural inputs. Finance and National Planning Minister Ng'andu Magande announced in Parliament yesterday that the Government would lose K45.7 billion in revenue because of the move. Mr Magande said the Government had been forced to withdraw the tax due to resistance from MPs, members of the public, newspapers and farmers. He said the Government had carefully considered the decision to introduce VAT on newspaper and magazine sales but would from now revert to the pre-budget situation where items would from now be reversed so VAT would not be paid by any of suppliers of those products. He said the K45.7 billion to be lost by the Government in revenue would be closed by cutting expenditure elsewhere. The VAT Bill and the Income Tax Bills went through committee stage with amendments.<sup>2</sup>

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<sup>1</sup>*Times* Mar 18, 2006

<sup>2</sup>*Times* Mar 23, 2006. Also *Mail* Mar 23, 2006

## **6.0 Attacks on MISA members and non-MISA members during the first Quarter of 2006**

Early in February, journalists were barred from covering meetings of visiting World Bank vice-president for Africa Gobind Nankani with various stakeholders. This was the second time the media have been blacked out by Bretton Woods Institutions, the first being during International Monetary Fund (IMF) deputy managing director Takatoshi Kato's visit in July 2005. Nankani met government ministers and Bank of Zambia officials at the Ministry of Finance and National Planning before proceeding to meet Ministry of Commerce, Trade and Industry officials at the Bank's country office. He was also scheduled to meet civil society representatives. "I am sorry the meetings are closed to the media. But this is not for secrecy purposes but it is to avoid disruptions that might occur," World Bank country manager for Zambia Dr Ohene Nyanin said. But Nyanin declined to give further explanation and referred all queries to the Bank's country office communications specialist Jumbe Ngoma. However, Ngoma could not be reached because he was reportedly out of the office. In July, 2005 Kato's delegation barred reporters from covering his meetings with the donor community, key government planning officers, chairpersons of parliamentary committees and civil society representatives. University of Zambia development studies lecturer Dr Edwin Imboela condemned the move as hypocritical.<sup>1</sup>

However, while World Bank officials barred journalists later in the month *Post* MD Fred Mmembe who was charged with defamation of the president was on Feb 14 discharged when the state entered a nolle in his case. Divisional prosecutions officer Brian Lubinda made the application for the nolle prosequi when Mmembe appeared before magistrate John Ndeketeya. The case was due for trial but Lubinda told the court that he had received fresh instructions that he should enter a nolle and Mr Ndeketeya dismissed the case in view of the application by the state.<sup>2</sup>

However, three days later police questioned *Post* news editor Webster Malido over the forged letter, which was published in *The Post* in January. Malido was questioned in connection with a forged letter dated January 14, 2006 that was sent to *The Post* by Patriotic Front (PF) president Michael Sata, purporting that President Mwanawasa had ordered the arrest of PF cadres who waved at him on his way to the official opening of Parliament. Malido was accompanied by *Post* Newspapers legal counsel Sam Mujuda. In his short statement, Malido who was interrogated by detective inspector Mubita Kashela, advised the police to direct their queries to *Post* editor-in-chief Fred M'membe over the issue. On January 23, 2006, two police officers from the frauds department questioned and recorded a statement from M'membe, in his office, over the same forged letter. But in his statement, M'membe told the officers that he was not prepared to say anything on the matter beyond what had been published by *The Post* so far. On the same day, Sata appeared at Lusaka Central Police station accompanied by lawyer Bonaventure Mutale and his witnesses that he had rounded up to identify police

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<sup>1</sup>*Post* Feb 3, 2006

<sup>2</sup>*Mail* Feb 15, 2006

inspector Clement Andaleke who he said set a trap for him.<sup>1</sup>

A Lusaka Magistrate's court on February 28 summoned Radio Phoenix station manager to present a transcript of an alleged erroneous news item broadcast on Feb 27 in a case involving former Zambia Army commander Geojago Musengule. Magistrate Liya Tembo summoned the station manager after defence lawyer Vincent Malambo complained that the news item was not factual. Mr Malambo complained that according to the story, the court was shown four steel structures built with public funds. He said the witness did not say Kayumba was charged with stealing public funds as the news item allegedly indicated. He informed the court that it was contempt of court to report proceedings with deliberate distortions and concoctions that were clearly intended to prejudice future conduct of the case. Mrs. Tembo said the media played a central role in the dissemination of news and as such, it had to report in a responsible manner to avoid erroneous reporting which could sidetrack the case.<sup>2</sup> In addition, making the ruling on the matter on Mar 2, Mrs. Tembo said she had listened to the transcript of the news item and that it did not state the correct position of the court proceedings on the matter. She cautioned the media to report responsibly to avoid deliberate fabrications of court stories. She said this after she accepted an apology from Radio Phoenix through its legal counsel, Chama Chola, who informed her that the news item was not intended to prejudice the proceedings of the court. The lawyer told the court that the story was sourced from the Zambia National Information Services, which sends news items to other media institutions and that Radio Phoenix could not doubt the credibility of the story.<sup>3</sup>

In the continued harassment of journalists during the quarter Police in Monze have arrested two Radio Chikuni journalists for allegedly broadcasting false news. The station aired an announcement about a boy who had gone missing and was later found dead. The two journalists, Matongo Maumbi and Jyde Hamoonga were released on police bond after being charged with an offence of publication of false news with intent to cause fear and alarm. Station programme manager Tadeusz Swiderski confirmed the arrest of the two scribes in a telephone interview from Chikuni March 12. Father Swiderski said they were picked from the station on March 11 along with another journalist Joseph Simunungu who was released the same day in the afternoon. He said the two journalists were detained overnight at Monze police station and were only released March 12. "They will appear before resident magistrate court in Monze on March 15 to answer to said charge," Fr Swiderski said.<sup>4</sup> MISA Zambia described the arrest as a violation of the rights to freedom of expression. MISA Zambia vice chairperson Pat Mwase said in a statement released Mar 13 that the detention of Joseph Simunungu and Jyde Hamoonga was a gross violation of their rights to freedom of expression. "What the police in Monze did to the journalists was an infringement of their rights to practise their profession without interference. We, as MISA Zambia, have condemned the arrest, detention and charging of the community radio staffers," Ms Mwase said. She said Radio Chikuni

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<sup>1</sup>Post Feb 17 According to Cap 87 of the Penal Code, Article 349 stipulates that any person who forges any judicial or official document, if found guilty, is liable to seven years imprisonment.

For altering a false document, Article 352 of the Penal Code stipulates that any person who knowingly and fraudulently alters a false document is guilty of an offence of the same kind, and is liable to the same punishment, as if he had forged the thing in question.

<sup>2</sup>Times March 1, 2006 (also in *Mail* of same date)

<sup>3</sup>Times Mar 2, 2006

<sup>4</sup>Times Mar 13, 2006

management had approached MISA Zambia to assist with a lawyer to defend the two journalists who had been released on a K1 million police bond and were due to appear in court on Mar 15.<sup>1</sup> In its report, *The Post* talked to one of the journalists Matonga Maumbi who is promotions and advertising manager. Maumbi explained the circumstances that led to the arrest was that the station ran a live radio programme, 'Face the Media', to get people's reactions to the death of a five year old boy, Christon Beene. He said people that participated in the programme were afraid of coming out in the open with information of the killing. "They feared the ritual murderers would pounce on them too. They had instead suggested a suggestion box to be placed somewhere so that the police could pick it later. There was also a suggestion that people should meet and talk in open instead of just writing. Suspects were still on the loose and people were fearing for their own lives, as such they feared to talk or write," Maumbi said. He further explained that some family members of the deceased boy paid for an announcement to the station. Maumbi said the police misunderstood some words in the announcement and concluded that the station was calling on members of the public to bring spears to the meeting.<sup>2</sup>

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<sup>1</sup>*Times* March 14, 2006

<sup>2</sup>*Post* March 14, 2006

### 7.0 Media violations during the first Quarter of 2006

Date	Victim	Attacked/harassed	Arrested/Detained	Legal/Action
Jan23	<i>Post</i> MD Fred M'membe		Questioned by police	MISA Press Release/Alert
Feb2	Journalists		Barred by world Bank officials	
Feb14	<i>Post</i> MD Fred M'membe		nolle prosequi by Brian Lubinda	
	<i>Post</i> news editor Webster Malido		Questioned by police	
Feb28	Radio Phoenix station manager		Summoned By Magistrate Liya Tembo	
March1	Radio Phoenix station manager-lawyer Chama Chola		Released by Magistrate Liya Tembo	
March11	Matongo Maumbi, Jyde Hamoonga and Joseph Simunungu		Picked up by Police	MISA Press Release/Alert
March11	Joseph Simunungu		Released by Police	
March11	Matongo Maumbi and Jyde Hamoonga		Detained By Police	
March12	Matongo Maumbi and Jyde Hamoonga		Released by Police	
March15	Matongo Maumbi and Jyde Hamoonga			Appear In Court