



**"The Media in Zambia: Contributions to and Challenges for
Greater Public Finance Transparency and Accountability to
Citizens"**

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THE MEDIA IN ZAMBIA: CONTRIBUTIONS TO AND CHALLENGES FOR GREATER PUBLIC FINANCNE TRANSPARENCY AND ACCOUNTABILITY TO CITIZENS

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INTRODUCTION

This paper starts by describing the regulatory influences that impinge upon media institutions. It does so by highlighting the general societal and specific intra-institutional factors that constrain journalistic performance. Secondly, it discusses the legal and institutional regime underpinning public finance management. It shows how this legal and institutional framework impacts upon the media in their contribution to greater public finance transparency and accountability. Thirdly, the paper outlines the normative roles that the media can play in Zambia. The overall conclusion is that while the media operate in a tangled web of regulatory restrictions, there is still room for robust investigative journalism.

THE MEDIA: SOCIETAL AND INSTITUTIONAL CONSTRAINTS

For the purpose of this paper, it is important to distinguish between *societal* and *institutional* regulatory influences that impinge upon media practice in Zambia. This distinction is important because it alerts us to the kinds of intervention that lend themselves to a given set of influences. For example, societal media regulation is more often confronted by public campaign efforts aimed at the political and other powerful elites. On the other hand, institutional regulatory influences, consisting as they do in the ideologies, rituals and routines of media practitioners, usually attract subtler forms of interventionism, such as long-term training and education in alternative forms of communication and journalism.

Societal constraints on media practice

In general, societal regulatory influences would include the following: (i) state control; (ii) independent regulation; (iii) self-regulation; (iv) the legal framework; (v) market forces; and (vi) audience pressure.ⁱ Although all these influences have their place in the Zambian media dynamics, it is unlikely that they have the same intensity of influence. It is true that the state sometimes exercises direct control over the media, especially over such state-owned media institutions as the Zambia National Broadcasting Corporation (ZNBC), *The Times of Zambia* and *The Zambia Daily Mail*. Market forces as well as audience dynamics compel media organisations to collect, package and distribute news and information in some ways other than others. The media themselves can constrain their practice through acts of self-censorship.

But the most important societal regulatory constraint on the media is imposed by the national legal framework within which the media operate. The ultimate effect of the legal framework can be either *enabling* or *disabling*. For example, some national security laws are the best example of legislation that imposes 'heavy', *disabling* regulation on the media. Evident in Zambia is the presence of anachronistic colonial legislation inhibiting media freedom, including the Penal Code, the State Security Act, the Public Order Act, the Emergency Powers Act, etc. While all such laws allow for a 'window of opportunity' for the media to operate, it is very easy for the state to shut that window and curtail media freedom.

What would have amounted to an *enabling* legal environment for the media was the enactment in 2002 of the Independent Broadcasting Authority (IBA) Act and the ZNCB (Amendment) Act. In March 2007, after a protracted legal battle between the state and media-support organisations, the Supreme Court ruled that the state could retain the power to veto names of people recommended by an *ad hoc* appointments committee to form the IBA and ZNBC boards. In effect, this means that the state still exercises direct control over who runs broadcasting in the country.ⁱⁱ

Equally important in considering how the legal framework constrains the media is the *absence* of enabling policies and legislation, such as those relating to access to public information. This is a *political issue*, in that it requires political will and commitment to initiate desirable constitutional and legal reforms that support the growth and freedom of the media. The fact that the Constitutional Review Commission (CRC) process has stalled speaks volumes about the absence of political will and commitment.

Intra-institutional constraints on media practice

The ‘regulation’ of media is also located *within* the media institutions themselves. In most cases, the intra-institutional practices and rituals of *Zambian* media have tended to reflect the *politico-legal* context. Under the One-Party State, for example, the media regurgitated the ideology of the ruling party. This is still true of the state-owned media, despite the fact that the country is now a multiparty democracy. The private media have tended to be counter-hegemonic, almost always resisting the dominance of the state. But even private media seem caught up in the cocoon of mercantilist exploitation, defining their role in terms of the profit motive. As such, their definition of ‘self-regulation’ entails accountability to themselves and the market imperative. Although notions of ‘social responsibility’ are invoked, there is evidence to suggest that the media are, for the most part, keen on playing the ‘watchdog’ role, rather than being ‘watched’. While the media *do* have a ‘watchdog’ role, this ‘libertarian’ view tends to neglect the broader participation of the citizenry in media work, leaving all the ‘journalism’ to be done by ‘media professionals’.

This ‘professional’ trajectory reifies the ‘objectivity’ of the media. There is a de-emphasising of the journalist’s civic and political engagement. The journalist’s so-called professional disinterestedness borders on passivity. Thus, in the ‘natural’ scheme of things, the media become associated with elites, mostly those with links to political, economic, coercive and symbolic power (the politicians, the wealthy, the police, the clergy, etc.). In all this, it becomes difficult for *vox populi* – the voice of the people – to be heard over and above the crescendo of power. It becomes difficult for alternative forms of journalism, such as *civic journalism*, to emerge.

The issue here is that the media must become more accommodating of audience inclusivity, allowing for active civic and political engagement in the body politic. As such, public campaigning must include proposals for mechanisms of self-regulation that are in the *public interest*, compelling the media to become accountable, not to the market forces or state elites, but to the citizenry. It is this kind of accountability that could enable the media to assume the high moral ground and intercede on behalf of the citizenry for transparency and accountability in the management of the country’s resources.

LEGAL AND INSTITUTIONAL FRAMEWORK FOR MANAGING PUBLIC FINANCE: IMPLICATIONS FOR MEDIA PRACTICE

The government of Zambia has in place a five-year “comprehensive Public Expenditure Management and Financial Accountability (PEMFA) reform programme, designed for implementation between 2006 and 2010.”ⁱⁱⁱ Supported by the donor community, it provides the overall framework within which the government has been pursuing the reform of its public finance architecture. It seeks to realign the legal and institutional framework in such a way as to respond to the imperatives of transparency and accountability, which are outlined in the government’s *National Capacity Building Programme for Good Governance*.^{iv} PEMFA is linked to the Fifth National Development Plan (FNDP)^v – a rehash of the Poverty Reduction Strategy Paper (PRSP). The FNDP reflects all of the Millennium Development Goals (MDGs). This, of course, presents an opportunity for the media to probe the extent to which the PEMFA initiative has realised the twin objectives of transparency and accountability, and the extent of the synergy between the programme and various other development initiatives.

The *legal* framework for the management of public finance in Zambia ultimately revolves around the 1991 Constitution (as amended in 1996). For example, the Constitution creates the Office of the Auditor-General (OAG) and the Anti-Corruption Commission (ACC). Subsidiary legislation, directly or indirectly associated with public finance control, includes the following: the Public Finance Act of 2004, including the Financial Regulations; the Zambia National Tender Board Act

of 1982, including the Tender Regulations of 2000; the Zambia Privatisation Act of 1992; and the Banking and Financial Services Act of 1994, as amended in 2000.^{vi}

In August 2007, Parliament considered an ACC Amendment Bill, in terms of which senior public and quasi-public officers and accounting staff would be required to declare their assets, income and liabilities to the Chief Justice and to the Judicial Complaints Authority. This would achieve the following: (i) contribute to the detection, prevention and punishment of corruption; (ii) enhance public confidence in the institutions of government and officers; (iii) provide a transparent environment in which public officers and other citizens engage in private business activities without fear of unwarranted suspicion and possible state harassment; and (iv) inspire the population to get directly involved in the fight against corruption.^{vii}

The *institutional* framework for public finance management is predicated upon Parliament, especially its portfolio committees; the Ministry of Finance and National Planning; the OAG; and the Bank of Zambia. To take Parliament, its oversight role is implemented largely through the Estimates and Public Accounts Committees. These scrutinise the expenditure of public finance through *inter alia* carrying out detailed scrutiny of certain activities being undertaken by the government ministries, departments or agencies and making appropriate recommendations for consideration by the government.^{viii}

The deliberations of these committees may be open to media coverage. In some cases, the committees' proceedings may be held *in-camera*, especially when issues of a 'sensitive' nature are being discussed. An example was when the permanent secretary in the Ministry of Health was being 'grilled' by the committee members as a result of irregularities unearthed by the Auditor-General's annual report. This closure of media scrutiny effectively bars the citizenry from holding public officials to account.

The OAG represents an important 'executive' oversight mechanism. The AG prepares an annual report detailing government expenditure of money appropriated by Parliament. It is these reports which become the subject of the Parliamentary committees. As such, the AG's reports, together with the Parliamentary committees, constitute an important source of information about the degree of transparency and accountability in the management of public finance. There is evidence to show that these reports can be used creatively by the media to understand key trends in government expenditure. For example, the publication *Show me the money*, commissioned by Transparency International Zambia (TIZ), was based upon expert analyses of the AG's reports. *Show me the money* was used by the media, enabling them to follow the 'matrix' of public finance expenditure.

THE NORMATIVE ROLES OF THE MEDIA

It is clear that the media in Zambia are caught up in a web of unfriendly media and information laws. Linked to this is the fact that the management of public finance is itself shrouded in some secrecy. Notwithstanding the revealing annual reports by the AG, the fact that the Parliamentary Public Accounts Committee can sometimes hold its hearings *in-camera* suggests the government is not ready to 'wash dirty linen in public'. This becomes tangled up when one considers the fact that most media operate in a heavily commercialised environment, with the resultant shrinking of active citizen participation in governance. Media coverage becomes more about what elites do, rather than about what citizens say about those elites.

Amidst all this, it is evident that public funds are being misappropriated. For example, President Mwanawasa set up a task force on corruption to investigate and prosecute some high-profile cases of abuse of public office, some of which implicate former President Frederick Chiluba. This reinforces the role of the media in ensuring that public officials are accountable to the citizenry in their management of public finance. Indeed, the media have begun to play that role in Zambia's transitional democracy. Foremost in this has been the privately owned *Post* newspaper. For example, it exposed how the programme of privatisation was abused by elements in the former regime to undervalue the price of cobalt on the world market in an effort to sell the Zambia Consolidated Copper Mines (ZCCM) to a preferred bidder. *The Post* disclosed how some ruling Movement for Multiparty Democracy (MMD) cabinet ministers diverted public funds

from the National Assembly to the MMD Convention.^x The newspaper alleged how the defunct Meridien BIAO Bank colluded with some public officials in the Ministry of Finance to print K95bn, about US\$90m, and externalise it into an offshore account in the Bahamas.^x

It is evident that the media are playing a kind of ‘watchdog’ role in Zambia. But more can be done. What ‘normative’ roles, then, can we construct for the media in Zambia? What are some of the key conditions needed for the media to fulfil this role?

To start with the second question: it is evident that some of the constraining societal factors need to be addressed in order to facilitate a more effective role for the media in enhancing citizen participation in the management of public finance. Such efforts would include the following:

- *Scaling up* advocacy and lobbying for the repeal of draconian laws, most of them inherited from the colonial past, which militate against robust media investigations of suspected malfeasance in public offices.
- *Structuring* the principle of media ‘self-regulation’, while taking into account the ethical imperative for the media to be socially responsible and accountable to the citizenry. Here, it is important to stress that the media must serve the public interest, defined in terms of a plurality of interests which include those of women, youth, the poor, the disabled, etc. More often, the media tend to be caught up ‘between the hammer of the state and the anvil of the market’ – they tend to service the narrow, partisan interests of state and market players,^{xi} neglecting the least powerful groups.
- *Advocating* for greater media access to public institutions, perhaps through the enactment of a freedom of information law, as a way of facilitating media scrutiny of public finance expenditure.

To tackle the first question: the media, for their part, must reconsider their normative roles. It is clear that there are some intra-institutional problems that need to be addressed, as outlined below:

- Journalists should take time to familiarise themselves with the existing government mechanisms for monitoring public finance and expenditure. For example, knowledge of the Public Finance Act is useful in investigative reporting, and so is knowledge of the Zambia National Tender Board Act as well as other pieces of legislation. The AG’s annual audits are a useful starting point for understanding patterns of expenditure. While it may be hard to understand accounting jargon, the media can engage the services of experts to help them analyse such technical language. *There is, therefore, need for training in investigative journalism.*
- Journalists should develop greater interaction with civil-society organisations, especially those whose job it is to monitor public accountability. In Zambia, such organisations include TIZ, Integrity Foundation, etc. Such interaction can be extended to public ‘watchdog’ institutions, such as Parliamentary oversight committees, the ACC, the Task Force on Corruption, etc. *There is, therefore, need for structured interaction between the media and watchdog institutions. Such a partnership can be structured within the context of journalists’ professional associations, such as the Media Institute of Southern Africa (MISA) Zambia and the Press Association of Zambia (PAZA).*
- Journalists, including media institutions, need to adopt a more *participatory* approach to their journalistic practice. They need to see citizen participation in the body politic as their overriding objective. This entails embracing a citizen-centred attitude, which places citizens at the very epicentre of media investigation. This is likely to enable the media reconnect with the public, and reinvigorate civic and political interest. Elsewhere, this type of journalism is referred to as *civic/public journalism*, in which journalists see themselves as *citizens* first, and *professionals* second.^{xii} Journalists thus see the problem of public finance mismanagement as *their* problem. This ‘humanises’ the practice of journalism, and renders it more accessible to the people whose lives are affected by such mismanagement of public funds. *Such an attitude and professional practice can be cultivated through a journalism education that incorporates a strong communitarian ethic in which citizen participation and engagement is privileged over elitist journalism.*

CONCLUSION

In this paper, I have described the societal and institutional constraints that impinge upon media practice. I have noted that the legal framework constitutes the most *disabling* form of regulation. But I have also pointed out the intra-institutional practices which constrain journalistic agency, such as the elitist ideologies of professionalism bequeathed through educational socialisation.

I have then outlined the legal and institutional framework for public finance management in Zambia, concluding that there is need to grant greater access to the media in order to facilitate more effective investigations. The rationale behind such a proposal is that citizen participation in monitoring public expenditure is assured through media exposes. As such, I have argued that Parliamentary committees, in the exercise of their oversight role, must be open to media coverage. I have also called upon the media to take advantage of the existing legal and institutional mechanisms for ensuring transparency and accountability, such as laws and statutes governing public finance as well as the AG's annual audit reports. Such knowledge can only stand them in good stead to cover the often difficult terrain of public finance.

ENDNOTES

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- ⁱⁱⁱ Mwansa, JM et al. 2005. *Zambia public management performance report and performance indicators: PEMFA programme evaluation*. Lusaka: Ministry of Finance and National Planning.
- ^{iv} Zambia. Ministry of Justice. 2000. *National Capacity Building Programme for Good Governance in Zambia* framework document. Lusaka: Ministry of Justice.
- ^v Zambia. Ministry of Finance & National Planning. 2006. *Fifth National Development Plan*. Lusaka: Ministry of Finance & National Planning.
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- ^{vii} *The Post*. 2007. *Lubinda presents ACC amendment bill to Parliament*. 8 August.
- ^{viii} Zambia. National Assembly of Zambia. 1998. *National Assembly Standing Orders (as amended up to 29th December 1998)*. Lusaka: National Assembly.
- ^{ix} *The Post*. 2001. *MMD steals K2bn from Parliament for Convention*. 2 May.
- ^x *The Post*. 2002. 18 February.
- ^{xi} Banda, F. 2007. *Media freedom in Africa: caught between the hammer of the state and the anvil of the market*. Paper presented at the Press Freedom Roundtable of the Newspaper Congress and World Editors Forum of the World Association of Newspapers. Cape Town, 3 June 2007.
- ^{xii} Charity, A. 1995. *Doing public journalism*. New York & London: The Guilford Press.