

Chapter 4

ELECTION CAMPAIGN AND MEDIA

Campaign Calendar

In accordance with the official election timetable issued by the Electoral Commission of Zambia on 3 August 2011, the official campaigns for the General Elections commenced on 29 July 2011 and concluded at 06.00 on 18 September 2011. The introduction of a two-day “cooling off” period, prior to the Election Day on 20 September 2011, was a new innovation. The programme for the campaign rallies of Presidential candidates was coordinated by the Electoral Commission of Zambia, in consultation with the parties and police.

Campaign Environment

The elections were highly competitive. The campaign was conducted with great passion and enthusiasm. The democratic principles of participation and representation as well as the basic freedoms of association, assembly, expression and movement were largely met.

The election campaign was also generally peaceful. However, some incidents were reported, involving clashes mainly between supporters of the two largest parties, in Lusaka. These incidents were sporadic and localised and did not adversely impact the overall campaign environment. There were also some allegations of inconsistent police responses to these clashes. The larger political parties held numerous rallies and meetings across the country. These rallies were largely conducted in a peaceful and celebratory atmosphere, where a range of party campaign materials were distributed. Some political parties lobbied traditional chiefs in an attempt to gain votes from their subjects, notwithstanding legal requirements for chieftains to remain apolitical.

Political parties and candidates also conducted door-to-door canvassing of voters. Other methods included posters, leaflets, billboards, print and electronic media, debates, roadshows, effigies and private media advertising. Social media such as Facebook, Twitter and YouTube, was also utilised to allow candidates the opportunity to disseminate their campaign messages across a wide audience. SMS text messages were also widely used mainly to invite party supporters to rallies and convey campaign messages. Parties also used websites to advertise their manifestoes and campaigning news.

Negative and inflammatory campaigning, including personal attacks, were widely observed and reported as occurring mainly at MMD and PF rallies. The Civil Society Election Coalition expressed concern about the use of hate speech, bitter rhetoric and character assassination, and noted that this phenomenon had unnecessarily heightened political tensions.

Advantage and Abuse of Incumbency

The Group received reports that state resources were misused by the ruling party in the 2011 election campaign. Previous observer reports from 2006 also noted these concerns. Furthermore, the power of incumbency was exercised in a manner that compromised the level playing field between the competing candidates and parties.

This advantage was further enhanced by the exploitation, by the ruling party, of the benefits of incumbency. Concerns were expressed by some opposition parties that activities of some senior functionaries of government blurred the distinction of what could be regarded as official duties and campaigning. Allegations were also made to the effect state resources were used by the ruling MMD to transport party stalwarts to rallies. These activities raised the perception of an abuse of incumbency.

Campaign Finances

There is a general view that the ruling party's 2011 campaign leveraged the most substantial financial resources in Zambia's history. Most stakeholders the Group met pointed to unequal access to funding as a major concern. It was apparent that the imbalance in resources available, in favour of the ruling party, disadvantaged other parties and candidates.

Political parties acknowledge receiving voluntary contributions and membership fees from supporters and well-wishers to fund party activities and campaigns. Several opposition political parties expressed concern about their lack of adequate funding for party activities and campaigns, and the impact of this on the democratic process.

Main Campaign Issues

Political parties attempted to engage in debate on concrete issues such as economic and social development, corruption, the rule of law, health, especially HIV/AIDS, education, jobs, infrastructure, investment, the Constitutional review, religious issues and foreign relations. However, the main purpose of presidential rallies, in particular, sometimes appeared to have less to do with articulating programmes and issues, and more to do with demonstrating capacity and mass support (even though many supporters are transported by the parties or candidates to rally venues). The key campaign issues of the three largest political parties were as follows:

The ruling MMD party campaigned on the basis of continued economic reforms and stability. It stressed its achievements which included, a real GDP growth forecast at seven percent in 2011, agricultural inputs that have led to bumper harvests, infrastructure investments, including new schools, roads and hospitals and Zambia's recent attainment of lower-middle income status. The MMD opposed the re-introduction of a windfall tax on mining corporations, arguing that this would be a disincentive to foreign investment and job creation.

On its part, the Patriotic Front campaigned on a populist and nationalist platform, and key PF campaign messages included the urgent need for change, job creation, reducing the size of government, tackling corruption, re-instating a windfall tax on mining corporations and forcing foreign-owned companies to improve working conditions and better education. The PF also promised to put more money in the pockets of all Zambians; the immediate enactment of a new Constitution; construction of new roads; and, better health services within 90 days of assuming power.

The third largest party, the United Party for National Development campaigned on a platform of creating more and better jobs with pensions for Zambians, increased incomes through lower taxes, quality healthcare and food security, investment in education, and clean and experienced leadership.

Media Background

Until the early 1990s, Zambia's media was completely state-owned. However in 1994, the Zambia National Broadcasting Corporation (Licensing) Regulations opened up the media sector to several new owners and operators, including commercial, community and religious stations. As a result, the media landscape is now quite diverse, with considerable choice for viewers and listeners.

Radio

Radio is the main source of information for Zambians. There are over 40 radio stations in Zambia. The state-owned Zambia National Broadcasting Corporation (ZNBC) operates three radio stations: Radio 1 which broadcasts a mix of news, cultural and call-in programmes in seven vernacular languages; Radio 2 which produces similar programmes in English; and Radio 4 which is an English language entertainment station.

Zambia's commercial stations include the popular *Radio Phoenix*, which began in 1994. It has a wide reach and a reputation for a high standard of programmes. There are also numerous community radio stations.

Television

ZNBC is the largest player in television. It operates its main channel, established in 1987, as well as a second, self-funded, channel that began in 2010. The private channel, MUVI TV, which started in 2004, has the largest audience reach after ZNBC. Programmes are produced in English and vernacular languages.

Despite the opening up of the media sector over the last two decades, and the success of some commercial and community stations, ZNBC is dominant because of its nationwide reach and its large share of the market.

Print and Internet

Zambia has three national daily newspapers - the *Zambia Daily Mail* and the *Times of Zambia* which are government-owned, and *The Post* which is privately-owned. Together the newspapers have a circulation of around 60,000, with *The Post* having by far the largest share. These newspapers also have online versions. The state-owned newspapers are pro-government, whereas *The Post*, an opposition paper, aligned itself exclusively with the PF in this election. There are also various news websites, including the *Zambian Watchdog* and *Lusaka Times*.

Media Self-Regulation

At present, there is no functional and effective self-regulatory mechanism for the media in Zambia. Media organisations have attempted to address this issue by establishing a framework for self-regulation with the creation of the Zambia Media Council (ZAMEC). However, this self-regulatory body is not yet operational. The Zambia Chapter of the Media Institute of Southern Africa (MISA) informed the Commonwealth Observer Group that there are still issues to be resolved.

Laws and Regulations

There are a number of laws and regulations that apply to the media:

- The Electoral (Code of Conduct) Regulations (2011)
- The Electoral Act (2006)
- The Zambia National Broadcasting Corporation (Amendment) Act (2002)
- The Independent Broadcasting Authority Act (2002)
- The Constitution (1996, as amended)
- The Defamation Act (1964, as amended)

The Electoral (Code of Conduct) Regulations, 2011 in relation to the media

These are the main provisions governing media coverage during elections:

Regulation 13 requires the media to provide fair, accurate and balanced reporting of campaigns and press conferences etc. for all registered political parties and candidates during the campaign period. It also obliges media to report election news in an accurate manner and to not make any abusive editorial comment, incite violence or advocate hatred based on race, ethnicity, tribe, gender, sex, political or religious conviction. Media are also required to identify any editorial comments and separate them from the reporting of news. There is also an obligation for broadcasters to refrain from broadcasting their political opinions and, in cases where they do so, they should be clearly signposted.

Regulation 14 requires public TV and radio to allocate airtime equally to all political parties and candidates for their political broadcasts. In addition, parties and candidates are prohibited from buying more than 30 minutes in any one language per week on public TV and radio.

Regulation 15 forbids speculation on election results, requiring media to broadcast confirmed election results as they are announced by presiding officers. It also obliges TV and radio stations to maintain a library of their broadcasting in relation to the election, and establishes a complaints process under which any complaint about media coverage should be sent in writing to the ECZ.

Media Coverage of the Election Campaign

Commonwealth Observers did not engage in a systematic analysis of the media during the election campaign. Observations are the result of sampling news coverage and holding discussions with electoral stakeholders. These observations are borne out by the quantitative and qualitative analyses produced by longer-term observation missions.

Media Freedom

Freedom of expression with regard to the media was, for the most part, respected during the campaign period. However, the media environment was extremely polarised, with important media outlets providing their viewers with biased and selective coverage. Coupled with some press reports that were potentially inflammatory, as well as bitter rhetoric from some parties and candidates, this divisive media environment heightened tension and mistrust throughout the election. Such partisan and, at times, provocative and irresponsible reporting led to suspicions about the electoral process, thereby appearing to undermine the

integrity of the ECZ. The Commonwealth Observer Group also received a few reports of the intimidation of some journalists at both MMD and PF rallies.

Broadcast Media

ZNBC did not serve the electorate in its duty as a public broadcaster. The bias of ZNBC towards the ruling party was a concern raised by almost all electoral stakeholders met by the Commonwealth Observer Group. ZNBC failed to provide fair and equitable coverage in key programmes, including news bulletins. Its television and three radio stations were dominated by the MMD at the expense of the main opposition parties. No free party political broadcasts were provided for. The debate-style programmes, sponsored by the Electoral Commission, provided time for candidates on state and private broadcasters. The PF, however, boycotted this election programming on ZNBC.

In contrast to ZNBC, the privately-owned broadcasters produced content that was considerably more balanced between political parties and candidates.

Print Media

The three national daily newspapers were all biased in their selection of election news, and took strong editorial stances in favour of either the MMD or PF. The *Times of Zambia* and *Zambian Daily Mail* devoted more of its news coverage to the MMD, whereas *The Post* ensured most of its coverage and all of its support went to the PF. In all three newspapers, the line between news reporting and editorial comment was extremely blurred, with entrenched editorial bias appearing in news reports as well as on the comment pages.

Media and the ECZ

Many of the Code of Conduct regulations concerning the media, particularly in relation to balanced coverage, were not adhered to. Some election stakeholders expressed concern that the ECZ did not act in response to media-related Code of Conduct violations.

In what is a positive development, media representatives said their working relationship with the ECZ had improved in comparison to previous elections.

Recommendations

The Election Campaign

- There needs to be greater respect for and compliance with relevant existing electoral legislation and the Code of Conduct by political parties and candidates.
- The ECZ should monitor more closely the use of state resources in election campaigns and should rigorously investigate complaints in this regard.
- Encouragement of responsible party leadership to champion political dialogue and tolerance, and to discourage intimidation and violence.
- The provision allowing the ECZ to refer alleged violations of the Electoral (Code of Conduct) Regulations, 2011, for criminal investigation should be removed in relation to the media. Instead, there should be a suitably limited set of penalties, linked to

the principle of proportionality, for breaches of the legal obligations placed on the media. These would include right of reply and correction.

Media

- The state is the key stakeholder in the media sector, with ZNBC's TV and radio stations, and two national newspapers. In its coverage, ZNBC must ensure proportional access to political parties and candidates in its programming, particularly news bulletins.
- Reform of the regulatory framework for the audiovisual sector should continue, with an appointments procedure agreed to ensure the independence of the boards of both ZNBC and the Independent Broadcasting Authority.
- It is imperative that progress is made in the area of media regulation. Efforts by the media community and others to establish an appropriate, credible self-regulatory body should be continued, and supported by all stakeholders.