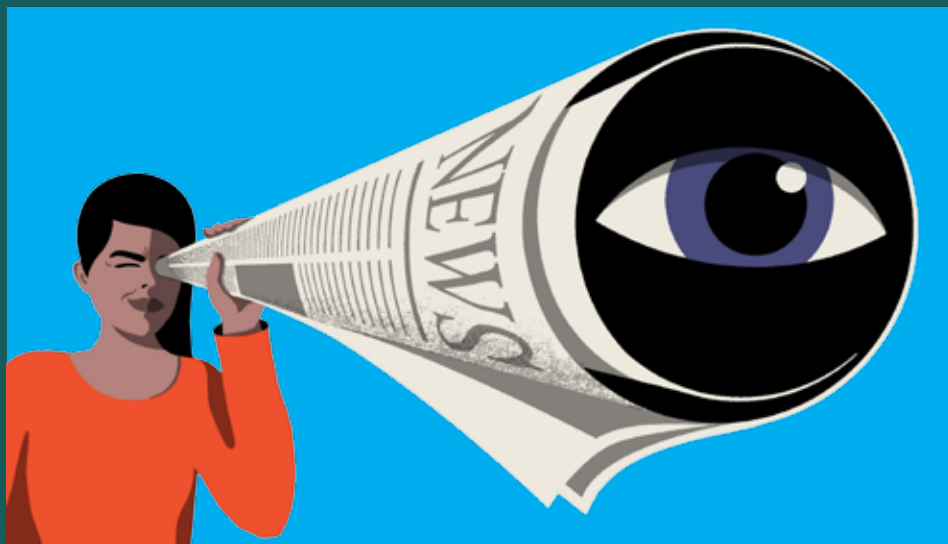


# DEMOCRACY **AND THE** MEDIA



## A GUIDE TO REPORTING ELECTIONS IN ZAMBIA

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# FOREWORD

Every five years, Zambians go to the polls to elect their leaders. These elections are usually highly contested as front runners get engrossed in activities and strategies on how to win the much-needed vote from the Zambian people.

The holding of general elections is a constitutional requirement supported by Article 21 of the Universal Declaration of Human Rights which, inter alia, states that “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” In Article 19 of the same Declaration, the right to freedom of opinion and expression is covered and states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

The rights to elections and free expression as enshrined in the Universal Declaration of Human Rights have a strong linkage and are exercised during polls in any democracy. The absence of either of the two then brings to question the claims that a democratic country had a free, fair and transparent election.

This said, the contribution of a free, independent and safe press in a democracy cannot be over-emphasised. However, the media in Zambia today is seen to be under extreme stress brought

about by the health, economic and political pressures, ultimately threatening its adequate contribution in a democratic dispensation as a free, pluralistic, independent and safe press. In one breadth, the Zambian media is today having to fight off control during elections and in the other, it is working to survive the economic challenges brought about by the ravaging COVID-19 pandemic that has threatened the existence of the media industry globally. The ones who will, without a doubt, feel the pinch of the battered media the most are the women and youth that have ordinarily been at the tail end of media coverage.

Some of the challenges highlighted here are what inspired the writing of this informative media guide by trainer Mr Francis Ziba. This guide seeks to assist Zambian journalists with reporting elections and ensuring that they maintain freedom, independence and pluralism as they practice professional journalism without fear of any attacks. Coverage of elections through whichever mode has been one of the most dreaded assignments that journalists encounter due to violence and political manipulation, which may sometimes come via use of social media to undermine reportage of professional journalists.

What is interesting to note is that the contents of this guide are largely drawn from first hand information the author gathered during workshops and round table discussions held under the FPI’s “Zambia Decides” project funded by the Carter Center. This



guide will therefore invigorate the minds of professional journalists on how they can play a more visible and distinctive role during elections while pursuing transparency and accountability from those seeking office.

Additionally, this guide will put to test the professional journalists’ judgment in playing a reconciliatory role in their reporting before, during and after elections by giving a voice to all sides of a conflict, should it arise. Lastly, gender-sensitive coverage during elections can also underscore the importance of including women in the process of peace making and in decision making positions. What must, however, not be forgotten is that the potential of the media to play all these roles heavily relies not only on the freedom of expression guaranteed through pluralistic and independent press but also on their freedom to bring into play cultural expressions.

Joan Chirwa  
**Founder - FPI Zambia**

# INTRODUCTION

Since the advent of multiparty democracy in Zambia in the early 1990s, the media has become one of the most powerful influences on how an election runs inside the country and how the outside world perceives our governance. For many Zambians today, elections are seen as a barometer on its future decision process. The elections are also a test of political commitment to democracy and, often a time, the impulse to manipulate media and to control information is strongest among ruling parties and political leaders vying for office. Fortunately, all elections held since the first multiparty elections in 1991 have been peaceful as democracy has flourished since then.

For an election to go well, it must be held under a free and fair environment. Citizens and all political candidates, including the media, must be able to speak freely and without fear. The media must be free to report anything to anyone without any fear or pressure of twisting the truth. This in itself holds the core objective of professional journalists – to fully report and inform the public of the issues and their choices so that they can decide for themselves for whom to elect into positions of power.

To ensure that the election is fair, there must be rules and guidelines that protect the citizen's vote and its secrecy. Candidates must have equal rights and opportunities to campaign without any interference or prejudice. These



rules and guidelines must be enforced fairly and everyone must respect the results of the election.

Elections in Zambia are a great challenge for the media, both public and private. The challenge of objectivity, impartiality and balance in journalism is faced daily by journalists but there is no test of professionalism greater than that posed in the heat of a bitterly fought political campaign. Free and fair elections conducted through transparent processes require a media that gives candidates equal access, reports the relevant issues in a timely and objective manner. However, these challenges are experienced differently depending on whose favour the reports are for. At times, the public media, mainly controlled by government, have often been seen as campaign tools for the parties in power and this tends to disadvantage the opposition during election campaigns.

Journalists, regardless of where they operate from, be it public or private media, need to know their professional ethics and rules when reporting during elections. They must report fairly on all candidates, parties and on issues. The media must be seen to be the mouthpiece of the voters and journalists need to adhere to their professional standards of accuracy, impartiality and responsibility.

This handbook is designed to assist media organisations and journalists, including politicians in Zambia, with the basic tools to enable them fight the political and social challenges they face during the election period. The toolkit offers a local, regional and global perspective on media standards for an election to be considered free and fair. This guide should be able to equip journalists with the necessary skills required to enable them help the electorate make informed decisions when voting for their leaders.

# THE POLITICAL LANDSCAPE

In the next few months, Zambians will be heading for the ballot vote to elect their new leaders to form the next Government. Though the campaigns have somehow been muted, thanks to the global pandemic of COVID-19, there has been a degree of calmness on how the political parties are approaching the campaign season. While on the other hand, the ruling party seem to be already in full gear positioning themselves to forming the next government, the major opposition party are just starting to make inroads into the ruling party's strongholds. This is already an indication that the basic trust in the workings of a democratic system is in play and fully established.

**W**ith the current government continuing with its expansive infrastructure projects where it has made good on its election campaign promises, there still remain doubts on some of the projects and whether its current strategy is able to tackle the major economic problems faced by ordinary Zambians.

In general, most of Zambia's economic problems don't stem from regulations but rather administrative inertia and corruption. The high exchange rate coupled with high inflation have persisted for a long time now and threatens to derail the ruling party's political agenda. These economic challenges have resulted in high cost of living for ordinary Zambians who are the main voters.

The following looks at Zambia's political landscape:

## **The Political Stateness**

There is no doubt about Zambia's political landscape with respect to its territorial integrity. Although the political system is still riddled with political and tribal divisions that have

led to an increase in violence in most parts of the country, the government's monopoly on the use of force especially on the opposition has never been seriously challenged in the last decade when political violence has been on the increase. Law enforcement agencies are generally not regarded as competent enough to tackle these challenges as the country heads towards the August 2021 general elections. Nonetheless, there has been a degree of law and order in most parts of the country with a few challenges in key provinces like Lusaka and Copperbelt.

Currently, there also appears to be some serious concerns regarding the eligibility of the incumbent President from contesting for the upcoming elections due to the lacunas in the Constitution, with some legal experts challenging his eligibility after the President filed his nominations for reelection. Likewise, we have also seen a number of prominent politicians withdraw from contesting any positions as a result of the law which requires a minimum of a full GCE Grade 12 certificate for any candidate willing to participate in any

leadership position. This law, to many, is seen as a systematic policy of denying certain groups like women in remote areas from exercising their constitutional rights.

## **Political Involvement**

While universal suffrage, the right to campaign, and the democratic elections are always assured both de jure and de facto, serious concerns continue to be raised over the violations of the principles of free and fair elections as seen from the last general elections of 2016. The reliability and seriousness of safeguards with the inclusion of internal and external election observers are already being questioned as we head to the August 2021 general elections. That said, Zambia still remains as one of very few countries on the continent of Africa that has had successful and peaceful government transitions since the introduction of multi-party form of governance in 1991.

Registration procedures for candidates has also come under scrutiny with political parties, including the ruling party, together with civil society organisations, questioning the





exorbitant amounts candidates have to pay to register. Though this forced the Electoral Commission of Zambia to reduce the nomination fees, they still remains a concern to many and also seen as a way to disadvantage certain groups.

The constitution guarantees freedom of association and assembly. In practice, political and civil society organisations can develop, meet, organize and campaign for the issues freely without state interference. Freedom of assembly in order to demonstrate exists, although the police is not well trained or equipped to interpret the laws adequately in terms of what constitutes freedom of assembly or not. It also appears like the law enforcement agencies are not well trained or equipped to handle violence or policing legitimate public protests.

Freedom of expression has generally been guaranteed and Zambians have often expressed their opinions freely with no organised expression of the media either. Occasional violence against journalists has somehow been on the rise but is normally organized by political cadres who may not be happy with certain parts of reporting.

This could result in better and capable journalists shying away from the media to look for better paying positions in the civil service or indeed the private sector, therefore diminishing the vibrancy of independent media outlets. State-owned and other privately owned media who are biased towards the ruling party have somehow established a certain degree of autonomy with no outright or positive criticism of government policies and this has weakened their independence.

Recently, the Zambian government has introduced the Cyber Security and Cyber Crimes Act of 2021 aimed at curbing cyber-crimes such as hacking, identity fraud, phishing and spamming which have been on the increase. Much as this law is aimed at social media abusers, many have felt that Government pushed for this law so that it can curtail and infringe on the freedom of expression, the right to information and the right to privacy. Some sectors also feel this new law will give state institutions powers to conduct widespread surveillance and censorship of the cyberspace on ordinary citizens, thus hindering them from freely expressing their opinions.

### **Stability of Democratic Institutions**

Zambia's democratic institutions can be described as fully functional and stable. Although the Constitution accords the Republican President vast powers, Parliament is more than just a talking shop. Most parliamentarians do take their duties seriously. The President only exercises control over their own political parties as fragmented into various competing factions. Shortcomings in the administration are mostly of a structural nature – corruption, education and underfunding – and are less connected with undue political interference.

The courts do have influence on undue behavior and do interfere when needed. The performance of the democratic institutions rely heavily on the ability of the two major parties (Patriotic Party and the United Party for National Development) to galvanize political interest and public interest. Thus far, they have been successful in doing so.

### **Political and Social Integration**

Zambia has a distinctive tradition of ideology-based



political parties, which is quite unique in an African setup. This tradition has been reflected in all democratic governments since it got its independence in 1964 and has even persisted even through Zambia's one-party state before 1991 in an informal way. The process of establishing a multi-party system was solidified during the 1991 elections. The political landscape is currently flooded with over twenty (20) political parties, although only two major parties can brag of having large followings.

### **Rule of Law**

In Zambia's presidential system, checks and balances generally prevail, though the executive branch has a tendency to dominate the system, especially

if the position of the president is filled by an ambitious and over zealous individual. Additionally, the inherent attitude of "the winner takes all" in election campaigns disadvantages any meaningful cooperation between parties not in any alliance or coalition. A very dominant parliamentary majority of any ruling party causes parliament to be less assertive in scrutinizing the government as the ruling majority has the tendency to support the government at all costs, despite the fact that party discipline is not a very overarching feature of any party. During the 2021 election campaign season, the in-fighting will become more visible after parties adopt their preferred candidates to stand during the elections. These internal fighting

at times erupt into political violence.

There has been no apparent evidence of government meddling in judicial procedures, but the use of civil libel laws against political opponents and critical journalists by individual politicians remains a problem. Corruption and limited administrative capacity continue to pose the biggest challenges, exemplified in undue long legal procedures and sometimes incomprehensible verdicts. Going to court is too expensive for the average citizen. Only those with the means can afford legal proceedings. Informal procedures of arbitration are more easily accessible and still play an important role, especially in rural areas.



# DEMOCRACY AND THE MEDIA IN ZAMBIA

A participatory form of democracy is one where citizens are involved or represented in making decisions affecting them. In most cases, a democratic government may not be perfect but to those who have it, it is better than the alternatives. Democracy is popular because it means the people make the important decisions through elections that are free and fair, and government respects those decisions.

In a free and fair election, the people can choose their leaders whom they best think will deliver their needs. During the election process, the voters choose which politician and political party they trust to represent them and to deliver what the people want if the party forms government. In a democratic election, everyone has an equal right to elect or reject the government. This democratic right is notably reflected in Article 19 of the United Nations' 1948 Universal Declaration of Human Rights. It states that everyone has the right to freedom of opinion and expression without interference, including the right to seek, receive, and impart information and ideas through any media and regardless of frontiers.

In addition, democratic governance is built on the citizen's ability to enjoy fundamental rights so that they may participate in decision making about issues that affect them from an informed point of view.

## The Role of the Media

The role of the media, whether public or private, is an important and often overlooked component of any election especially in a young democracy like ours in Zambia. Within the context

of supporting democratic transformations, the aim of the media should be to move from one that is directly or even overtly controlled by the government or private interests to one that is more open, transparent and has some degree of editorial independence that serves the public interest. However, while the media may often have an important democratic role to play in the electoral process, both their role and function are limited by several factors, including weak institutional and national frameworks, absence of economic resources, and often high levels of politicization within media houses, among other factors.

Despite these challenges, if the media is to have any meaningful role in a democracy, then the ultimate goal should be to develop a range of diverse platforms that are credible, and to create and strengthen institutions that promote diverse views. A media supportive of democracy would be one that has a level of independence and serves public interest. Public interest is expressed as representing diverse voices through a greater number of outlets and views.

Access to information is essential to the health of democracy for a number of reasons. Important of these is that it ensures that

the citizens make responsible, informed choices when choosing their leaders rather than acting on ignorance or misinformation. Information also serves as a check function by ensuring that elected officials uphold their oath of office and carry out the wishes of those who elected them. In certain mature democracies, fractious relationships between the government and the media do represent a vital and healthy element of a fully functioning democracy. While tension may still be there between the state and the media including the civil society, the role of journalists and the media in disseminating information and mediating, still remains vital.

The media should always be the most important way people find out about elections and political decisions. For the voters to choose freely between political opponents, the media must be able to report freely during campaigns. It should also be able to provide the voters with the same information on how to vote. The media also needs the freedom to ask freely and openly and be able to get answers about the transparency of the election and to tell the voters if there's something wrong so that it is fixed.

The media should be able to hold both the government and the



opposition parties accountable for their actions. The voters need to know how well the government has run the country since the last election, and what alternatives the opposition parties presented during that period.

Within the context of supporting democratic transitions, the goal of media development generally should be to move the media from one that is directed or even overtly controlled by government or private interests to one that is more open and has a degree of editorial independence that serves the public interest. If the media is to have any meaningful role in democracy, then the ultimate goal of media assistance should be to develop a range of diverse mediums and voices that are credible, and to create and strengthen a sector that promotes such outlets. Credible outlets enable citizens to have access to information that they need to



make informed decisions and to participate in society. A media sector supportive of democracy would be one that has a degree

of editorial independence, is financially viable, has diverse and plural voices, and serves the public interest.



# MANAGING THE GENDER BALANCE REPORTING

In Zambian politics, women and men tend to be treated differently by the media as is the case worldwide. Similarly, men and women tend to have vastly different experience of participating in political processes. Men are more visible and dominant in both media and elections and the stereotypes in gender disparity exist in both. This difference in dominance and coverage reinforces the sense that less visibility of women in the media impacts their political success. The less women politicians means less media coverage focusing on women leaders and less ambition from the girl child to aspire for politics.

**T**he importance of women's participation in politics – as voters, candidates, politicians, civil society activists and in other roles, cannot be over emphasized as it reinforces them to exercise their fundamental civil and political rights. It is also important because it allows the country to draw on its full range of human resources available for it to progress; and helps to ensure that women's and girl's needs are adequately met in policy-making processes. Gender stereotypes and discrimination are damaging to both men and women because they constrain individuals and society as a whole.

The UN's Special Rapporteur on Freedom of Expression acknowledges this problem, saying:

“Central to the issues of equal access for women to rights, equal opportunities for the enjoyment of rights, and equal treatment in that enjoyment is the actual extent to which women may exercise their rights to opinion, expression and information without discrimination and the degree to which women actually enjoy the right to

participation in public life. The Special Rapporteur states again that the problem does not lie in the manner in which international human rights standards have been elaborated but rather in the restrictive and traditional interpretations and applications of human rights law. The Special Rapporteur emphasizes that it is not acceptable for women still to be dependent on men to represent their views and protect their interests nor is it acceptable that women continue to be consistently excluded from decision-making processes that not only affect them but society in general.” Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Mr. Abid Hussain. UN Economic and Social Council. January 29, 1999.

Zambia is one of the countries that have seen an improvement in women's participation in political processes. The percentage of women in parliament has increased from five (5) percent in 1991 when multiparty politics started to seventeen (17) percent in 2021. These numbers are still not very

encouraging and way below parity as in other established African democracies. Today, a few countries, particularly new democracies, have now introduced deliberate policies to promote women candidates often through voluntary or mandatory quota systems. Zambia has also moved towards having a universal suffrage in which women have the same rights as men even though barriers still remain on how to exercise this despite civil and voter education targeting both men and women.

Gender stereotyping and limitations to participation continue to express themselves in many ways in political life. While women's participation in politics as members of parliaments or any other position is growing, women are less likely to hold ministerial positions or the highest office in the country, which is that of President. When women do hold ministerial positions, they are more likely to hold stereotypical 'women's' portfolios such as social welfare rather than economics, politics, or security. However, Zambia has again seen an improvement in women occupying Ministerial positions. In 1991, the first cabinet of the multi-party democracy had no



women in Cabinet while in the last Cabinet, almost a third were women, including a woman Vice-President.

A number of factors continue to contribute to the slow progress of women in politics. While it is observed that most citizens support women candidates, the failure by the political parties to promote or adopt them has been the biggest contributing factors. The lack of funding for women during the campaigns and the cultural conditioning factors of society that assign greater responsibility in family tasks all stand in the way for women participation.

All this gender discrimination is further compounded by the general news coverage of the media. A general observation of news coverage on local stations tends to focus more on men as opposed to women. Though this improved a lot more in recent

years, there still remains more room for improvement if we are to give a fair coverage to women in politics. It is now increasingly recognized that the media have a key role to play in women participation in politics. This is important because it can help instill the idea that women's participation in politics is an essential part of democracy and can also take care to avoid giving negative narratives about women and their determination and capacity to participate in politics.

As the country head to the polls in August 2021, the political campaigns will play out in the media and the media can play a key role in setting the agenda to promote women participation. The media will determine and decide on the issues and individuals they consider newsworthy or whether a candidate is worthy of their coverage. This condition is what

makes candidates electable in elections since voters extract information they need for making their political decisions from the media.

The media's contributions to elections can also help in addressing gender discrimination by promoting equal participation in many ways. Through its public voice, the media can play a watchdog role by incorporating questions of gender discrimination in its accountability remit. It can also encourage dialogue that includes diversity of voices and provide analysis that uses women as experts and includes a gender lens on a range of topics. The media can also help challenge the stereotypes by increasing its use of a wide range of women and men in different roles. This will help more people to appreciate and encourage parties to put women forward for different positions.



# MANAGING POLITICAL VIOLENCE

Zambia's current political system is characterized by cadreism, violence, harassment and marginalization of women in the electoral system. The system is male dominated and constitutes major barriers to women participation in politics. Available data indicates that the immediate past parliament only had 17% women legislators which is not commensurate with the total population of women in the country.



**I**n the wake of almost all recent elections in Zambia, whether at parliamentary or grassroot level, there has been a notable outbreak of violence. The political class seem to be arming the youths and deploying them to commit hideous crimes and shed blood at every point in the political landscape during elections. This violence in most cases has been among politicians themselves; they assault each

other in broad daylight and in cold blood; houses and vehicles destroyed and at times burnt; media houses destroyed and journalists beaten; and innocent citizens have not been spared the wrath of these politicians.

Society and the political system are also caught up in this spiderweb of political violence. Evidence thus far suggests that political structures based on patronage and cadreism

are more likely to experience violence. In a political system such as ours where formal political institutions are superseded by informal relationships based on the exchange of money, materials and political loyalty, political supporters seem willing to perpetrate violence in support of their preferred candidates.

In this section, we attempt to understand the dynamics

around political violence and why it has become important in improving the quality of democracy in the country.

## **Perpetrators of violence**

Recent observations in most Africa countries have shown that violence becomes attractive to incumbent governments when they are no longer able to afford to buy the necessary votes to remain in power. Therefore, violence can at times be a strategy used by a weakened, cash-strapped government. In like manner, members of the opposition can also resort to violent tactics as a sign of weakness, suggesting that it cannot match the ruling party's advantage.

However, violence is not just a sign of weakness. The Zambian cases have shown that despite the ruling party being very strong both in support and wealth, its supporters have tended to use violence as a way of intimidating and silencing the opposition. This may suggest that since the perpetrators of violence may be different, the solutions to ending violence may require different solutions. In situations where violence is relatively unorganized and consists of fights among different partisan supporters on the streets, political dialogue may be an effective solution to ending violence.

## **Causes of political violence**

### ■ **Regional Politics**

Zambia is divided into ten regions and with over 73 tribal languages across the country. The culture of ethnic-inclined violence started emerging in 1991 when multi-party

politics was first introduced. To date, most of the elections are characterized by tribal voting with most people casting their votes across tribal lines, especially where a prominent person of their tribe decides to stand for office. In most cases, a person born in the Eastern part of the country, for example, will normally gain the most votes from voters in the Eastern part of the country. This ethnicization of political parties is magnified by the belief that certain political parties belong to certain tribes. This trend seems to be growing lately and has been the cause of much tribal or regional violence.

### ■ **Poverty and Inequality**

In Zambia, politics is only for a privileged few with money. In most cases, this creates an opportunity for people without money to be employed by those in politics to use violence as a means of earning a living. The prospects of poverty contributing to identity-based violence are higher when there are perceived or real inequalities which create a sense of relative deprivation. These inequalities as well as patterns of identity-based fierceness tend to create fertile ground for poverty to become a driver for political conflicts, leading to violence.

### ■ **Bad Governance and Corruption**

Bad governance is often identified as the root cause of violence in the country. This, in certain quarters, is characterized by endemic corruption that tends to widen the mistrust among citizens for their political

leaders and in some cases, this has led to the questioning of legitimacy of certain public institutions. The depth of corruption in Zambia is coupled with the existence of weak state institutions. The lack of confidence in public institutions such as security forces and the judiciary can raise anger among citizens deprived of basic needs.

### ■ **Altitude of Political Leaders**

Most of the violence is incited by the top structures within political parties' leadership and certain political parties are inclined towards political violence as can be seen by their public statements. The slogans and campaign songs adopted by some of the parties are so uncompromising and often stand for "eye for eye" policy. Some political parties have also resorted to organizing youth wings whom they have arranged training for violent reactions. And these groups of political party youths happen to be more powerful than the police, hence making it impossible for them to be controlled by enforcement agencies.

### ■ **Lack of Faith in the Electoral Commission of Zambia**

The Electoral Commission of Zambia (ECZ) is an autonomous electoral management body for the Republic of Zambia mandated to organize and conduct elections in Zambia. The Republican President of Zambia appoints the Chairman and all the commissioners of the Electoral Commission.

This is viewed by many as being partisan and partial to the ruling party. On the other hand, there has been instances where government and the ruling party also accuse ECZ of being used by the opposition. Most of the violence happens because of the lack of faith in the Commission by mainly the opposition parties through human errors by the returning officers.

#### ■ **Politics of Intimidation, Repression and Harassment**

Political and electoral violence can sometimes be used as a tool for political intimidation, repression and harassment or in response to the same. In Zambia, several incidents can be cited as evidence of political intimidation, repression or harassment. Naturally, they all fall into several categories, including the arbitrary firing of prominent figures from public service jobs or the retiring of government workers in national interest. The cadres within these political parties have been militarized and have large followings to intimidate and harass the citizens, including the police. This makes it very difficult to discipline these perpetrators.

#### ■ **Political Greed**

Some politicians wish to hang on to power irrespective of the opinion of the electorate and use political violence as a tool to do this.

#### ■ **Militarization of Politics**

The trend of recruiting youths and arming them with weapons of violence is

slowly becoming a worrying issue in Zambian politics. The high poverty levels and the increasing unemployment rates seem to be making these youths resort to cadreism as a means to their livelihood. Cadres are today known to engage in violence and ethnic profiling and organizing attacks on political opponents.

### **Strategies and Measures to Prevent Political Violence**

It is evident from the several causes of political violence that different types of political violence strategies and measures have the potential to reduce and end the risks of conflicts. However, it should be noted that no single set of strategies exist that will prove effective across a number of violent behaviours. There can never be a standard set of strategies that can work across the spectrum in ending today's political violence. And as such, we take a look at a number of different strategies which can be employed in tackling political violence.

#### **The Public Order Act**

The Public Order Act (POA) was enacted by parliament to prevent violence of any form. The POA provides against what it refers to as 'unauthorised assemblies' in that any assembly, meeting or procession for which a permit is required and which must take place without the issue of such permit or which has three or more people will be considered illegal. The police have the power to maintain law and order in line with the provisions of the Act. The main objective of the POA is to prevent any breaches to peace as a result of fighting,

rioting and public disturbances. However, the opposition and civil society organisations tend to accuse the police of the selective application of the law. The law has been used to prevent communities and political leaders from holding meetings, protesting perceived injustices and assembling. The police has further been accused of constraining the campaign space for the opposition parties through what is seen as misapplication of the POA. This selective application of the POA by the police continues to contribute to violence between cadres and the police during elections.

#### **The Electoral Code of Conduct**

The Electoral Commission of Zambia developed a Code of Conduct to govern how elections and electoral practices in Zambia are conducted. Under Regulation 4(2) of the Code of Conduct, it prohibits members and supporters of any political party from engaging violent behaviour or using language which could incite hatred or violent practices.

However, the Code is seen as toothless in many political corners as a result of the ECZ being mandated to be its custodian. Most opposition parties see the ECZ as an arm of the party in power and this makes it very difficult for the organization to enforce the Code of the Conduct.

#### **The Constitution**

While the constitution of Zambia prohibits identity-based discrimination, current evidence points to the fact that the government has been





discriminatory when it comes to public service appointments. Article 259 (2) of the Constitution emphasizes the need to make all appointments in the public service to reflect regional diversity of the people of Zambia. However, this Article does not make the implementation of this law mandatory to ensure regional balance in public appointments.

Therefore, while we do acknowledge that the Constitution of Zambia has undergone several amendments, there is still need for more amendments that need to be made to it in order to enhance regional balance in politics and this could help stop political violence. Most political parties are formed along ethnic and regional lines, thus failing to promote national unity despite the same Constitution conferring the responsibility on

political parties to promote and uphold national unity.

### **Political Leadership**

Most of the violence perpetrated among political parties is a result of the silence from the political leaders. If the leadership in these political parties was serious about ending violence, cadres would have stopped the violence by empowering enforcement agencies like the police to deal with the perpetrators. The weakness in leadership has motivated the cadres to perpetuate the violence. This has also made the police force to be partial in their dealings with political violence by showing clear bias when applying the law.

### **Civic Education**

Government and cooperating partners need to invest in the

provision of peace building education and initiatives among political parties. This could be done by rolling out a number of civic education programs, including workshops, door to door campaigns, radio broadcast and drama and musical performances. Such programs can also target to sensitize the police on issues that could lead to political violence.

### **Dialogue among Political Parties**

Political parties need to come together and work to end political violence. While these parties openly admit that violence is also a campaign strategy, the ramifications are way beyond winning an election. There is need to come up with a new brand of politics where democracy can still prevail without violence.



# MEDIA MONITORING

Media monitoring is simply the collection of data and the analysis of election-related content of print, broadcast and online media and the presentation of results. Aside being a tool for regulation, media monitoring also provides broader benefits to the electoral process. These include evaluating the extent to which elections are fair in terms of freedom of expression by the media, voters and candidates; acting as an early warning system for elections-related violence; promoting the participation of women and the youth, including the minorities; and enhancing media literacy of elections officials and the public at large.



**D**uring the election season, media monitoring provides a platform to judge the fairness of the election process. Monitoring provides a forum to assess the behavior of the media during various phases of the election process and evaluate their performance with acceptable standards and governing laws. It further

helps to establish whether the candidates are given fair and equal coverage so that they can convey their message to the electorate for them to make informed decisions at the ballot.

The will of the people can only be expressed through a democratic election and it's the basis upon which a democratically elected government gets

its authority. This authority cannot be established unless the electorate make a free and informed decision on its political leadership. However, recent years have seen a dramatic shift in the media industry with the increased role of social media taking centre-stage. This social shift has changed with more prominence now focused on how social media is changing

and influencing the democratic process during elections.

The role of traditional media such as television, print media and other types of mass communications still remain important for most voters in helping determine their choice but social media has emerged as the most sought after platform. However, traditional media still remains as the only useful platform in providing and allowing candidates to debate and communicate the message to the voters. The media should inform voters how to exercise their rights, monitor the electoral process, including election proceedings and report results to the public.

Unfortunately, we have seen a number of negative trends in recent elections that have cast a shadow over the conduct of elections in Zambia. There has been a general tendency among politicians to become disconnected from voters and quickly forget about their promises once the elections are over. Instead, they focus their energies on how to stay in power longer while at the same time forgetting their promises once the elections are over. This is what contributes to the lack of trust in politicians and institutions. Recent election experiences in Zambia have demonstrated a growing public distrust in politicians, resulting in voter apathy.

### **New Media**

New media is a broad term that describes a range of media utilised for many different purposes, comprising the internet, mobile phones, social media networks such as blogs,

social networking websites, video-sharing sites, and others. Unlike traditional media, new media are usually interactive. They use digital, online and mobile technology and are often audience-created and user-driven. In addition, new media functions in real-time and are usually borderless. The line between traditional media and social media is often blurred, with many 'traditional' journalists using the internet as a key source of information for stories, and many traditional media creating online editions or transforming themselves into full-fledged multi-media outlets. Moreover, traditional media in Zambia rely on personal mobile phone images and video to cover certain stories where they do not have their own reporters.

Indeed, the rise of new media in Zambia, such as social media websites, blogs, emails and other new platforms, provides further avenues and possibilities for participatory citizenship, information and knowledge sharing, inclusion and empowerment. Both traditional and new media can play a vital watchdog role and serve as a campaign platform, as a forum for public debate and as a public educator, ultimately strengthening democracy. At the same time, however, online media can pose serious challenges to the integrity of the election process, mainly due to the emergence of disinformation and fake news. As recent experience has shown, social media networks can be used by others to work against democracy or by foreign governments as was the case in the US where they were used to interfere in elections. As a result, the initially positive view

of social media has changed and many are now aware that social media networks can be used for good and bad purposes, like any technology.

While social media networks have expanded the possibility of receiving and imparting information, they have contributed to a general lack of meaningful debate, with internet users divided among "filter bubbles" of likeminded people who are locked in echo chambers that reinforce their own biases. These trends are contributing to a decrease in critical thinking among audiences. Disinformation created for profit or other gain, disseminated through state-sponsored programmes or spread through the deliberate distortion of facts by individuals or groups with a particular agenda, including the desire to impact elections, is a serious problem with negative implications for democratic institutions. Those behind such disinformation include coordinated actors (influence campaigns and internet trolls) who spread inauthentic content (junk news and deep fakes) aiming to undermine the reputation of candidates (especially women), to discourage or eliminate voters (particularly marginalised groups) and to cast a shadow over the integrity of the electoral process.

These developments have prompted various stakeholders to conceive appropriate responses in terms of regulation and self-regulation which can help tackle these challenges. It is clear that big technology companies are disconnected from the local context in many countries and should have

greater responsibility for the content which appears on their networks. Given that Artificial Intelligence (AI) is increasingly being used to address content-related issues, it is important that it is taken into consideration from the perspective of states' human rights obligations, with transparency becoming a standard norm integrated into the system.

There is a general lack of international standards and regional commitments aimed at regulating the new media and introducing complaints processes, although some states (such as Germany or France) have brought in national legislation to regulate and sanction intolerant content and disinformation online. With Zambia enacting the Cyber Security and Cyber Crimes Act not long ago, it attracted negative reactions from freedom of expression advocates who fear that these regulations may go too far and result in censorship.

At the same time, it is important to review the existing standards regulating the media coverage of elections and bring them into line with the current new trends. For example, does it still make sense to impose a campaign moratorium prior to election day in the internet era, particularly as it is very difficult, if not impossible, to properly implement it given the transborder character of the internet? The relevant stakeholders should ask these questions and should have reliable and comprehensive data at their disposal. The monitoring of traditional and new media by civil society organisations helps to provide such data and could generally help to inform the debate on future standards and

commitments in this area.

### **The Challenges of New Media in Zambia**

Among the challenges encountered in monitoring media coverage of elections is the fact that a more comprehensive approach to monitoring social media networks is yet to be developed. A number of organisations have conducted monitoring projects focusing on the way social media networks behave during elections and what sort of information is available for voters who use them as their source of information. Given the absence of a clear methodology and standards in this area, consistency, clarity and proper referencing to international standards are limited.

Conversely, clear regulations exist for traditional media, with broadcasters historically subject to the highest level of regulation, in particular during election periods. Among other factors, this has been linked to the fact that they continue to be the main source of news for most people. Broadcast media (both public and private) have been made subject to a broad range of rules during elections, including the obligation for public and private broadcasters to cover elections in a "fair, balanced and impartial manner". Given the different nature of the print and the broadcast media, the press is free to have a distinct political leaning. This is mainly connected to the way the public has had access to and has been influenced by the press, which differs as compared with the broadcast media.

### **Public service media have an enhanced duty to inform**

**the electorate about election matters, including the role of elections in a democracy, how to exercise one's right to vote, the key electoral issues and the policy positions of the various parties and candidates contesting the election. This should normally include reporting that involves questions being put to party leaders and candidates, as well as debates between candidates. Moreover, public service media are subject to strict rules of impartiality and balance, particularly when reporting on the governing party and on government decisions and actions during an election period.**

The changed media environment also presents new challenges in the case of media monitoring. It is always important to have clear benchmarks for media evaluation. Such benchmarks exist when it comes to the analysis of traditional media. For example, it is less problematic to decide what to focus on in terms of sampling. It is also not so difficult to determine which media outlets are most used by people when they are looking for election related information. In addition, traditional media generally have fixed schedules, and it is usually possible to determine which programmes and sections should be monitored. By contrast, social media networks and their users generate a large amount of content, most of which may have little or no relevance to elections. While it is possible to determine the country-specific popularity and relevance of different social media networks, it is much more difficult to identify which content is important from the election-related perspective.

# ROLE OF INTERNATIONAL OBSERVERS

In Zambia, election monitoring by regional and international observers has become a feature of democratic elections just as is the case in most parts of the world. In most cases, this is seen as a key indicator of the credibility of elections and prompted an agonizing reappraisal of the role elections play in the consolidation of democracy and in particular the contribution of independent election observers to that process. Despite mounting criticism, the demand for international election observers remains very strong.



**T**he emergence of international election monitoring in Zambia was born following the 1991 elections as the country transitioned from one party rule to a multiparty democracy. The mere presence of international observers provided assurance and political accountability that elections demonstrated approval of the international community. Success in securing this approval served an important national purpose as it certified that the election process was acceptably free and fair; it also conferred legitimacy on the newly elected government while bestowing a seal of international acceptance. The role played by the

international election monitors has evolved over time. It is now much more than passive observation of voting procedures on election day. This role can be summed up into six identifiable functions:

## ■ **Observation:**

The core responsibilities of international observers is to monitor every aspect of the organization and conduct of an election, including the functioning of the national electoral commission, the counting of the ballots, and the compilation of the results. In practice, teams have typically arrived a week or so in advance of the polling day

and, to cut costs, often leave prior to the announcement of the outcome.

## ■ **Verification:**

This function ensures that the observers so mandated, culminates into pronouncing a verdict on the validity of the exercise overall. This responsibility is often bestowed on some individual or a body. In 2015, the Southern Africa Development Cooperation (SADC) Electoral Observation Mission to the Presidential By-Elections of the Republic of Zambia declared the elections to have been peaceful, transparent, credible, free, and fair,



thus reflecting the will of the people of Zambia in accordance with the National Laws and the SADC Principles and Guidelines Governing Democratic Elections. This followed the death of Zambia's fifth President Mr. Michael Chilufya Sata.

However, not every delegation favours taking a public stand on the legitimacy of an election, as the reality is generally more complex than a simple 'yes' or 'no' allows. The, US National Democratic Institute, while priding itself in 'telling it as it is', stops short of formally certifying the outcome. It claims that ultimately, the people will determine the legitimacy of the electoral process.

#### ■ **Reporting:**

The standard practice in respect of reporting has often varied overtime depending on the observers. A number of sponsoring bodies such as the African Union (AU) or the SADC group have often tended to issue statements. However, other organizations don't issue statements but rather restrict themselves to endorsing what other local observers or NGOs put out. In addition, other organisations such as the Commonwealth and overseas observers issue public monographs which analyse the process in detail.

#### ■ **Dispute resolution:**

In most cases, observers are in a position to assist in defusing and breaking up potential explosive local disputes by proffering advice to rival parties or mediating between them. However, much as that may be helpful, observers

often find themselves under difficult circumstances to mediate. Admittedly, for observers to stand idly by as passive witnesses to an escalating conflict hardly accords a host country its expectations. At the same time, any intervention in local conflicts, even by invitation, needs to be undertaken judiciously, with great caution, and in a manner that preserves the observer's integrity and impartiality.

#### ■ **Inspires Confidence:**

The mere and open demonstration of moral support by the international community, symbolized by the visible presence of election observers, can inspire voter and rival parties' confidence to the integrity of the electoral process. This often adds to the easing of tensions between rival parties and among the electorates thus increasing voter participation. The importance of this aspect of their role should not be underestimated, though its impact on society depends on how early and how widely spread the observers are deployed in the country.

#### ■ **Advice:**

Most of these observers such as the Commonwealth, AU and the SADC are careful to caution their observers that they have no executive role. Their role is not to supervise but simply to observe. As a result, they are free to propose to governments and other concerned authorities that such actions on institutional, procedural and other matters as would assist the holding of any election. Therefore, post-elections, these observers produce reports

which are intended to be a historical reflection of those elections. The hope is that such election reports can be used as reference sources for those entrusted with organizing and conducting subsequent elections.

Lately, there has been a decline in the number of international observers coming into the country to monitor elections and it still remains to be told whether it's the quality of democracy that has improved or it's the value of having international observers that is not there. The general perception of having observers is still positive, not least among the ultimate stakeholders, who are the ordinary Zambian voters. Nonetheless, election monitoring is no answer for the ills of democracy.

However, international election monitoring, in some form or the others, appears destined to remain a permanent, if never a prominent feature of Zambian and indeed Africanelectorallandscape. In an era of greater fiscal restraint, effective co-ordination in the deployment of available local and foreign observers, care must be taken in clarifying and operationalizing what is the acceptable standard of election monitoring to ensure their relevance. The seriousness of election monitoring merits a considerable measure of openness and frankness in reporting the wishes of the people than is often the case.

While there are limits to what election observers can do in order to promote free and fair elections and consolidate democracy in Zambia, the host countries must be ready to fully cooperate and invest systems that promote democracy. Democratic governance must be a priority for free and fair elections.

# GUIDELINES FOR THE MEDIA

**In any democratic society, the media is essential to ensuring that the public has accurate information about key policy developments and in holding the government accountable to its obligations. In reporting the news, the media has a responsibility to report objectively and ethically to avoid a biased representation of the truth. As a watchdog, the media helps to uncover unethical and even illegal behavior in order to ensure that the rule of law and the rights of the public are protected.**



**D**uring an election cycle, the role of the media takes on a heightened importance. While the objectivity of the media often comes under question during presidential and parliamentary elections in Zambia, it still reports on policy positions and critical developments from the campaign trail. Journalists raise the alarm on illegal practices of vote-buying, money politics and electoral manipulation, which tend to threaten and undermine the fundamental principle of “one person, one vote” and the violation of civil rights. However, as is the case in most election reporting throughout Africa, media’s independence is largely absent from this discussion.

These guidelines have been compiled from international best practices based on decades of experience in order to provide the media a quick reference for reporting during elections. They provide practical knowledge about story angles, terminology and etiquette in writing about the media. They also provide a number of useful resources, such as facts and figures about elections in Zambia.

Most of the guidelines refer to obligations which, strictly speaking, bind the country. It can be argued that publicly owned media organisations are directly bound by some of these obligations. However, government authorities are

obliged to put a framework of laws and other rules that ensure that public media satisfy the relevant obligations. Article 19 strongly recommends that the government or public media be transformed into public service media with independent governing boards. At the same time, we are of the view that, in most cases, private media also have a professional obligation to meet the standards outlined.

The guidelines drawn here are from a more detailed set of media guidelines and commentary published by Article 19, Global Campaign for Free Expression, *Guidelines for the media in Transitional Democracies*, and the present version has been

adapted slightly to focus on issues facing the media in Zambia.

It should be noted that throughout this publication, guidelines refer to parties' candidates. This is both to ensure their relevance to elections focusing on individuals and to cover situations involving independent candidates.

### **Duty to Inform the Public**

During the election period, public owned media organisations have a duty to ensure that the public are informed about relevant electoral matters such as the political parties, candidates, campaign issues and voting processes.

### **Duty of Balance and Impartiality**

Public funded media organizations have the duty to be balanced and impartial in their election reporting and not to discriminate against any political party or candidate. This duty requires that news, current affairs, interviews and information programmes must not be biased in favour of, or against any party or candidate.

Voter Education

The media especially, public owned, are obliged to broadcast education programmes, at least to the extent that this is not already sufficiently covered by other information initiatives.

Voter education programmes must be accurate and impartial and must effectively inform voters about the voting process, including how, when and where to vote, to register to vote and to verify proper registration, the secrecy of the ballot (and thus safety from retaliation), the importance of voting, the functions of the offices that are

under contention, and similar matters.

These programmes should reach the greatest number of voters feasible, including, where relevant, through programmes in minority languages and targeting groups traditionally excluded from the political process, such as women and indigenous groups.

### **Laws Restricting Freedom of Expression**

The existence of laws which breach international guarantees of freedom of expression is at any time a serious problem. Any such laws are problematic and should be abolished as they limit political debate and the ability of the media to cover the elections.

### **Duty to Punish Attacks on Media Personnel and Property**

Attacks and threats against media personnel as well as the material destruction of communication facilities, pose a serious and significant threat to the independence of the media and freedom of expression. The authorities should make special efforts to act on such lawlessness and bring those responsible to justice, particularly where the act was motivated by an intent to interfere with media freedom.

### **News Coverage**

Of the various forms of election broadcasts, news coverage is generally accepted to be the most influential. Recent experiences have also shown that the duty of balance is often, and most seriously breached in the coverage of news. The ruling party, due to its governing role will generally attract more news coverage than the opposition parties.

The duty to report in a balanced

and impartial manner is particularly strong concerning news programmes. The party in government, due to its governing role, will normally attract more news coverage than other competing parties. Measures need to be put in place to prevent this from happening.

The duty of balance requires that parties or candidates receive news coverage commensurate with their importance in the election and the extent of their electoral support.

State owned media are urged not to broadcast editorial opinions at all, due to the potential for them to be confused with news. All broadcasters should endeavour to clearly identify editorial opinion and to avoid airing it during news programmes.

Obligations of balance and impartiality imply that news coverage on matters of political controversy by the governing authorities should be subjected to a right of reply or other equitable response from other competing parties. This obligation acquires even greater force when the person making the statement is also standing for office.

### **Media Regulation**

In Zambia, the electronic media is regulated by the Independent Broadcasting Authority (IBA) which monitors all broadcasts. The implementation of rules to ensure a full independence of the media rests with IBA and decides on all complaints that are independent and impartial. The Authority should not be able to take decisions only upon the strength of the votes of the appointee of the government or the party in power.



The Authority should render complaint decisions promptly and should be able to allocate time for direct access programmes and should have the power to hear and take binding action on complaints concerning coverage related violations by the media, political parties or candidates.

### **Respect for Privacy**

News and commentary should be presented honestly and fairly, and with respect for the privacy and sensibilities of individuals. However, the right to privacy is not to be interpreted as preventing publication of matters of public record or obvious or significant public interest. Rumour and unconfirmed reports should be identified as such.

### **Access to Programmes**

Public owned media should grant equal and fair coverage to all political parties and candidates. The amount of airtime allocated should be sufficient for parties and candidates to communicate their messages.

The right of parties and candidates to present their views and platforms to the electorate through the media is essential to democratic elections. Direct access programmes are a key means of achieving this goal. Direct access programmes provide an opportunity for political parties and candidates to express their positions in their own words, for small parties

and independent candidates to broadcast their views, and for parties to respond to negative statements or comments made about them.

### **Transparency and Fair Presentation**

Publications are free to advocate their own views and publish the bylined opinions of others, as long as readers can recognise what is fact and what is opinion. Relevant facts should not be misrepresented or suppressed, headlines and captions should fairly reflect the tenor of an article and readers should be advised of any manipulation of images and potential conflicts of interest.

### **Honesty and Fair Investigation**

Information obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published unless there is an over-riding public interest.

### **Campaign Safety**

The media has often been the target of attacks by powerful interests opposed to free and fair election. In Zambia, these attacks often come from politicians not happy with the coverage; interest groups who prefer a certain political party to win; the police when instructed to silence certain parts of the media; and the public when not happy with the reporting.

The media association should also try to seek a declaration from all political parties and the government to respect and promote the physical safety of journalists. Journalists should know the reporting guidelines as issued by the Electoral Commission of Zambia and understand their rights and responsibilities, especially during the campaign season. The following are some more guidelines:

- Journalists should always carry their identification cards to prove their identities and organisations they represent.
- Elections reporters should know the Electoral Commission rules and understand journalists' roles and responsibilities
- Journalists should never wear political colours, badges or slogans, and should not accept favours from political parties
- Journalists should never carry weapons
- Journalists should report any attacks or threats against them to their employers
- Journalists have the right to refuse an assignment should they deem it dangerous





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### **Biography - Francis Ziba**

Mr. Francis Ziba is a media and election communications expert with over 20 years of international experience across a wide range of global industries. Since 2018, he has been the Executive Director of The Institute of Risk Management Zambia (IRMZA), an organisation that promotes and enhances risk management practices in Zambia. As a proficient media trainer, he has delivered trainings and media monitoring on behalf of international institutions as well as technical assistance to Government departments and civil-society organisations.

Francis has worked in a number of major global economies having worked as an Investment Banker for some of the world's leading investment banks such as Blackrock formerly Barclays Global Investors (BGI) and Lehman Brothers where he served as an Investment Manager and Senior Risk Manager respectively. He also worked for the British Government under the Treasury department where he served as a Sovereign Debt Finance Officer assisting various developing countries in the EMEA region with debt management strategies and policy.

He has also worked on more than 60 election and media-related projects and missions in the framework of the United Nations, Council of Europe, African Union, Southern African Development Community and most recently a number of missions in Eastern Europe. He also has an extensive experience in electoral and media related training of different stakeholders participating in elections, including the regulatory bodies, the media and NGOs.

Currently working on a project "August 2021 Zambia Decides" where he is leading a consortium of regional Pollsters, conducting polls and research into the August 2021 Zambian elections. The Consortium is also focusing on the role of social media during elections and ways to tackle their negative impact on elections processes as well as ways on how to monitor these trends in the context of international observation of elections.

Francis, serves on a number of boards including his recent appointment to the Global Development Advisory Panel which comprises of the World's leading thinkers and preeminent development experts to provide advice on Global Aid Programmes. He also sits on the Independent Broadcasting Authority (IBA) Board Committee as a technical Expert.

The Free Press Initiative Zambia is a non-profit civil society organisation registered with PACRA in July, 2018, focused on media and human rights.

Its objectives are the promotion of professionalism in journalism, advocacy for a free press, defence of human rights and promotion of women and youth participation in politics.

With support from The Carter Centre, the FPI Zambia is currently implementing the "Zambia Decides" project under which this media guide has been developed. The contents of this guide are largely drawn from first hand information collected through workshops and round table discussions held under the one-year Zambia Decides project.