

**Investigative Reporting  
in Zambia:  
A Practitioner's Handbook**

**By Leonard M. Kantumoya**

Commissioned by  
Friedrich Ebert Stiftung  
and  
Transparency International Zambia

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Editorial Coordinator: Yvonne Chibiya

Copy Editor: Chola Folotiya

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Zambia**

5583, Great East Road

Kalundu, Lusaka

P.O. Box 30554

Phone +260-1-295615/6

Fax +260-1-293887

fes@zamnet.zm

Stand 3880, Kwacha Rd.,

Olympia, Lusaka

P.O. Box 30554

Phone +260-1-290080

Phone +260-1-293649

tizambia@zamnet.zm

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## Foreword

This book is the product of a collaborative effort between Friedrich Ebert Stiftung and Transparency International Zambia (TIZ) with contributions by the media fraternity in Zambia. It serves as a contribution to the development of democratic and transparent institutions by empowering the media to participate in efforts to fight corruption. As the local chapter of Transparency International, TIZ was established here in Zambia with the aim of supporting not only civil society but the private sector as well as the government in combating corruption. Friedrich Ebert Stiftung is proud to be able to support the Zambia Chapter of Transparency International in these efforts.

Corruption can be found in every society and can hardly be entirely eliminated. A transparent democracy is a decisive precondition and the best way of curbing corruption. The New Deal government's stand on corruption and its commitment to investigate allegations of corruption is clear, but this alone is not enough. The battle against corruption requires the support of all three major stakeholders in society. Organisations of civil society must raise awareness amongst the people and play their most active role in the fight against corruption. This handbook marks a starting point for a campaign to train and motivate journalists to take an active role in the struggle against corruption.

Friedrich Ebert Stiftung is very indebted to the author of this publication namely Mr. Leonard M. Kantumoya, who has undertaken an intensive review of the tools of investigative reporting in order to aid Zambian journalists to raise community awareness. From the view point of Friedrich Ebert Stiftung and all other Anti-Corruption NGOs and institutions, community awareness of the cost of corruption is an opportunity to address it.

Michael Schultheiss  
Resident Director  
Friedrich Ebert Stiftung

## **About the Author**

Leonard M. Kantumoya is lecturer in the Department of Mass Communication at the University Of Zambia (UNZA) where he teaches Investigative Reporting, Media Law, and Advertising, among other courses. He obtained a Bachelor of Mass Communication (BMC) degree (with Distinction) from UNZA in 1988 and an MA (with Distinction) from Murray State University, Kentucky, U.S.A., in 1992.

A former broadcaster with the Zambia Broadcasting Services (now the Zambia National Broadcasting Corporation), Kantumoya has served as Head of the Department of Mass Communication and sat on the boards of several public media institutions, including Newspaper Distributors Ltd., ZNBC, and Times-Printpak Limited. He has also served two terms as Commissioner on the Anti-Corruption Commission.

He is married with four children.

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The outline of this publication could not have been possible without the invaluable contributions at the Media Handbook for Investigative Journalism Workshop held at Zamcom Lodge, Lusaka on 25<sup>th</sup> April 2003 which attracted of participants from various institutions both public and private.

Although the contributors were too many to mention, we would like to particularly thank Mr. Edem Djokotoe, for his presentation on Investigative Journalism and Corruption which has been adapted, abridged and reproduced as chapter seven of this handbook.

Finally let our practical actions continue to inform discussions and also allow room for critical discussions to guide practical actions.



## Introduction and Overview

If the Washington Post's Bob Woodward and Carl Bernstein had not investigated and exposed the Watergate scandal in 1974, the American people would never have known they had an unscrupulous person for president. Richard Nixon might have gone on to complete his second term in office and retired with undeserved honour. In 1999, Kenyan journalist Linus Kaikai unearthed a plot to destroy a large part of the Kakura forest reserve, about ten kilometres north of the capital, Nairobi, by forces which had secretly contrived to turn it over to real estate developers. Kaikai's story, which was carried by the privately-owned Kenya Television Network (KTN), immediately touched off a series of public protests and demonstrations.

In the aftermath of this show of public outrage, the scheme was called off, and the forest was saved. Today, the vast opening that had been cleared in the forest is covered by a fresh growth of vegetation, instead of a prestigious housing estate occupied exclusively by the rich.

Here in Zambia, had the *Post* and the *Chronicle* newspapers not blown the whistle in 1996, a cabinet minister and a Member of Parliament may well have walked away from the Bank of Zambia with no less than K210 million in cash, money meant for the printing of election materials. Consequently, no Tribunal might have been constituted to investigate the matter, and the Parliamentary and Ministerial Code of Conduct Act (No. 35 of 1994), would have remained a dormant, impotent piece of legislation on paper. The two would then have proceeded to serve out their ministerial and parliamentary terms respectively.

Nixon's disgraceful exit from office, the survival of Kenya's Kakura forest reserve, and the sanctions that befell the late Zambian former minister, Remmy Mushota, and his parliamentary accomplice, Patrick Katyoka, who was later cleared by a tribunal, are all living proof of the good that can come to society when the media play their watchdog role, and civil society takes the cue and agitates for corrective action.

The media are at their watchdog best when they go beyond routine reporting to bring to light underhand dealings and clandestine schemes calculated to benefit the plotters to the disadvantage of the great majority. This happens only when the media turn to the genre of journalism known as investigative reporting.

Although this brand of journalism is still relatively new and undeveloped in Zambia and other third-world countries, it is fast gaining recognition as a valuable tool for public policy reform.

The fact pointed out above, that investigative reporting is relatively new to Zambia, means the country lacks an entrenched culture of hard-nosed, muck-raking journalism, and Zambian media practitioners have no historical or existing frame of reference to serve as a guide when it comes to undertaking this kind of enterprise. They are forced to grope in the dark and learn the nuts and bolts of the trade by trial and error in the field. As a result, many have churned out half-baked stories in the name of investigative reporting and, quite often, with serious legal consequences for them and their media organisations.

It is, therefore, important that anyone venturing into this kind of journalism understand its distinguishing characteristics as well as its potential consequences for the subject of investigation, public policy makers, society as a whole, and the reporter and his or her organisation. That is the motive and justification for this book.

This marks the first attempt to put together in book form, some practical steps and suggestions meant to help both the novice and the veteran as they embark on investigative assignments in the uncharted waters of investigative journalism in Zambia. However, one must hasten to caution that this is not a definitive "textbook" on the subject. It is merely intended to point out typical scenarios, the challenges they pose, and how the "investigator" might respond to such eventualities in the field.

The first chapter gives a working definition of investigative reporting. It brings out the characteristics that set it apart from ordinary, routine reporting. It also addresses the rationale of this branch of journalism, showing its relevance to good governance through exposure of, among other negatives, corruption, official

malfeasance, and unethical conduct in public office and in private business.

The next chapter discusses subjects amenable to investigation, pointing out areas of possible investigative interest other than just corruption and official wrong-doing.

The origination of investigative story ideas is handled in chapter three. Here it is suggested that ideas for an investigative story can spring from a number of sources. These include tips from people, a reporter's own intuition or suspicions, observing patterns from recurring phenomena, and also story 'enterprising'.

Chapter four stresses the importance of story planning and gives one format a story plan can take. The plan may consist of the following elements: subject; rationale; sources to be consulted; scope of the exercise; methods to be used; resources required; and the project outline.

Investigative tools, or techniques, are the subject matter of chapter five. These are basically the devices a reporter uses during the investigative process to get the information s/he is looking for. They include interviews (plus tips on effective interviewing), documents, surveillance, and surveys.

The investigative process, or the actual process of gathering the facts and evidence, is treated in chapter six. This chapter points out the obstacles the reporter is likely to encounter and suggests possible ways of circumventing them. The chapter also discusses the various types of sources of information, how to cultivate them, the difficulties they may present, and how to handle them in different situations.

Although the techniques used are the same for corruption stories and all other investigative pieces, chapter seven deals exclusively with the investigation and reporting of corruption, to reflect the gravity of public concern about the scourge of corruption in Zambia.

Story writing or presentation forms the content of chapter eight. The chapter briefly discusses and suggests formats in which an investigative story may be presented. Here, both the importance

of attribution, as well as issues of fairness and balance in the story are emphasised.

The process and potential impact of investigative reporting both place a burden of ethical responsibility on the practitioner. Chapter nine raises and discusses some of the ethical issues involved in investigative reporting.

The reporter must not only deal with the question of ethics but also contend with laws that impact on investigative and general media practice in Zambia. There are laws which the investigative reporter can only ignore at great personal and institutional cost: libel, impersonation, etc. These are dealt with in chapter ten.

Investigative reporting is not just for anyone. A reporter needs to possess certain personal and professional attributes to be able to operate successfully in this field. Chapter eleven identifies some essential characteristics of a good investigative reporter.

Chapter twelve gives a background to the current media environment and presents an overview of the state of investigative reporting in Zambia, based on the findings of a survey carried out for that purpose.

An investigative case study is given in chapter thirteen. It serves to illustrate the practical realities that await the reporter out in the field. It details, through the experience of one reporter, the difficulties involved in accessing documents, getting reluctant sources to talk, and the perseverance required to finally get the pieces needed to crack and gin up the story.

If from these pages the veteran and the prospective practitioner can learn a thing or two and find a few tips they can effectively use in the field, this exercise will have been well worth the effort.

Leonard M. Kantumoya

February 2004

## Chapter 1: Defining Investigative Reporting

Various scholars have defined investigative reporting in different ways. According to Paul Williams, investigative reporting is an intellectual process:

"It is a business of gathering and sorting ideas and facts, building patterns, analysing options and making decisions based on logic rather than emotion" (MacDougall, 1982: p.226).

This definition emphasises the protracted fact-gathering process, which may take days, weeks, and sometimes months of tedious work. To Robert Greene, two-time Pulitzer Prize winner, investigative reporting means:

"Uncovering something somebody wants to keep a secret" (MacDougall, op.cit.: p.225).

David Anderson and Peter Benjaminson (1990: p.5) see it as "simply the reporting of concealed information". However, the link between process and content is best captured by an organisation called Investigative Reporters and Editors (IRE) in this definition:

"It is the reporting, through one's own work product and initiative, matters of importance which some persons wish to keep secret." Here, the defining features are

1. that the story be the product of a probe by the reporter himself or herself, and not a report of an investigation made by someone else, such as a public investigating agency;
2. that the subject of the story involve something of reasonable importance to the public, not idle gossip; and
3. that someone or an interested group is trying to keep these matters hidden from the public (Protest et al, 1991: p.5)

As Ullman and Colbert (1991: p.vii) have observed, the Watergate scandal squarely fits the classic definition of investigative reporting given above. In their words:

"The actions of the President (Richard Nixon) and his associates involved matters of considerable importance to the American people. There was both a need and a right to know. The president and others deliberately tried to hide the facts. The truth was bared by reporters through their own initiative."

Thus, investigative reporting is the technique used to uncover scandalous, embarrassing, or incriminating information which some elements wish to keep secret.

In this regard, investigative reporting results in a story that would not have been revealed without the enterprise of the reporter. It provides a story of public importance that is pieced together from bits of information gleaned from diverse and often hidden sources. And, as William Gaines (1998: p.1) rightly notes, it often produces a story that may be contrary to the version given by government or business officials who might want to conceal the truth.

Investigative reporting differs from ordinary, routine reporting in many ways. For example, whereas routine journalism usually deals in a reactive manner with incidents, events and occurrences, investigative reporting tends to take a proactive approach and deals with trends, issues and conditions, which might explain the cause and effect of what has happened, or is likely to happen. This means investigative reporting can be predictive.

Ordinary event-reporting journalism calls for strict adherence to "objectivity", a mere reporting of the facts without an injection of personal judgement or opinion arising from careful analysis of those facts. Investigative reporting, on the other hand, starts with a premise that, something is wrong or needs explanation. It proceeds to search for the facts that prove or refute the original assumption or suspicion. It is usually done with intent to expose a wrong or threatening situation in order for corrective action to be taken. It is this conscious intent to expose undesirable phenomena and incite public outrage that makes investigative reporting value-laden, rather than purely objective.

An investigative story may reveal wrongdoing by public officials, or bring attention to the fact that a law is needed to deal with a wrong or threatening situation. It may deal with abuse, corruption in government, or exploitation of civil society. An investigative reporter may, indeed, probe a private business enterprise whose unethical business conduct or fraudulent dealings may disadvantage or victimise the public. In this regard, investigative reporting sets out to uncover and tell stories of villainy and victimisation.

Without doubt, investigative reporting differs in many important respects from routine reporting. Al Hester (1987: pp.85-86) catalogues some of these differences so succinctly as to merit quoting at length. According to Hester:

1. Usually investigative reporting is undertaken with the idea that some action should result, or that some change should be made. Sometimes there are exceptions to this - that sometimes a thorough investigative story might lead to reaffirmation of what is already being done and an appreciation of it by the public.
2. Usually investigative reporting is in a longer format and takes a longer period of time to prepare for, to gather information for stories, and to write.
3. Almost always, an investigative reporting effort takes more resources in staff and in money, since the stories are deemed of more than routine importance.
4. Frequently investigative reporting is undertaken, not just to do a factual report on a subject, but with the idea that change needs to occur, that reforms need to be carried out, or wrongs corrected. Thus, before the project starts, the publication, its management, editors and reporters, all must be in agreement to spend the time and money to do the project.
5. Usually, investigative stories will also involve some special promotion ahead of time to alert readers, some special "packaging" to make the material especially attractive and upon occasion, special distribution of the stories through reprints, special editions or special sections.

6. Usually, more attention is also paid to illustrating the investigative stories with good photographs, drawings, graphs, line-drawings or charts and maps.
7. And usually, the most experienced reporters and editors are given the assignment to work with the investigative project, since it is considered one of the most difficult types of journalism to carry out successfully.
8. Almost always, decisions will have to be made by high-level policy-makers at the publication or in a government department to approve an investigative project. This is because the publication in a way assumes a stance either criticising or approving of the situation being investigated. More is at stake here than routine, non-involved reporting.

But a question may be posed as to the rationale or justification for investigative reporting. What purpose does it serve?

Investigative journalism is an undertaking with a declared mission whose fulfilment has impact on both policy makers and members of the public. By exposing budgetary waste, corruption, official scandal and institutional malfunction, it can be said to be directly linked to governance and is, therefore, relevant to reform. We may call it a journalism of advocacy which deliberately sets out to provoke public anger and outrage. This public outrage, in its turn, becomes the fuel which drives civil society's agitation for positive policy change.

Media disclosures of morally outrageous conduct trigger agenda-building processes which produce reformist outcomes, or policy changes, that promote democracy, efficiency, and social justice. This is summed up in what is termed the Mobilisation Model of investigative reporting, a paradigm operating on the following premise:

1. The media tell the public what they need to know;
2. The public, so enlightened decide what they want and agitate for reform;
3. Policy makers respond to public pressure and institute reforms;



4. The media then communicate those policy measures to the public (Protest et al, op. cit.: p.17).

Investigative reporting gained wide appeal after the fall of U.S. President Richard Nixon in the wake of the Watergate scandal revealed by the Washington Post in the mid-1970s. In the Watergate case, the Post unearthed the wrong and brought it to the attention of the public. The enraged public clamoured for punitive action, the lawmakers in Congress obliged and undertook to start impeachment proceedings against Nixon, and Nixon resigned before the impeachment process got underway. There is no telling the sanctions that might have befallen him if he had not been promptly pardoned by Vice-President Gerald Ford who succeeded him.

Democracy depends on an informed public with the means to know what the government is doing. Actualisation of the Mobilisation Model, therefore, calls for a press that is independent and aggressive in serving as a watchdog over government and other powerful forces.

This is the essence of the social responsibility role of the media. In a sense, media exposures of morally outrageous conduct strengthen the capacity of the forces of good to identify and combat the forces of evil. Thus, investigative journalism is the vehicle through which the media effectively play their watchdog role and fulfil their social obligations as the so-called fourth estate.

## Chapter 2: What to Investigate

The term investigative reporting has the immediate tendency of conjuring up pictures of a reporter playing the role of super cop and detective out on the trail sniffing out wrongdoers and bringing them to account. Arising from this notion is the misconception that investigative reporting is restricted to uncovering wrongdoing, or the exposé. The exposé 'implies wrongdoing on the part of an individual or group, or the existence of an evil situation for which someone is to blame. Such stories and topics do, of course, need investigating. But they are only one facet of investigative reporting. Generally speaking, the term investigative reporting should be broad enough to include the concept of articles other than the exposé.

These are stories which, though revealing no immoral or illegal conduct, nevertheless uncover situations needing to be brought to public attention. Investigative reporting, therefore, is applicable to any story which:

1. Deals with a serious subject,
2. Involves obstacles to evidence-gathering, and
3. Fully discusses or explores the essence or significance of its subject.

After all, in investigative journalism, we are dealing with process reporting rather than event reporting. In other words, investigative reporting usually deals with issues and conditions rather than incidents and events.

An investigative reporter should feel free to probe the ethicality, efficiency, legality, or fairness of certain business practices, for example. The constituency of interested parties for such articles is not hard to imagine: it would range from individual consumers to business operators and government agencies, all of whom may be victims of bad business practice. S/he should have equal interest in investigating suspicions and allegations of fraud, abuse of public office and authority, as well as official scandal, as long as such disclosure would help bring about measures to repair or

forestall damage in the interest of a fair and efficient social and economic delivery system.

There is no limit to subject areas requiring investigative treatment. Politics and politicians; government and governance; corruption; health and health care; agriculture; land alienation; the economy; privatisation; business and consumer affairs; non-governmental organisations; the environment; gender issues; religion; human rights; child abuse; public procurement and tender procedures; the list is endless. All these could produce issues amenable to investigative reporting. Let us take a few examples.

### *Politics*

In the field of politics, Zambians have recently begun to witness a disturbing trend of parliamentarians ditching the parties whose tickets took them to Parliament and crossing the floor to join the ruling party. There are yet others for whom it has become fashionable to change party affiliation as a seasonal exercise.

Clearly, this has serious implications for a country aiming to achieve and entrench a culture of democracy, honest sincerity and integrity. What are the factors responsible for all these political defections? What are the forces at play behind the scenes? What gratification do party-hoppers get, and from whom? Are they men and women of integrity, of conscience? When they seek the vote, are they motivated by a desire for public service or personal gain? When we begin to mull over these questions, it becomes clear that this issue is material for research and readily lends itself to investigative inquiry.

### *Good Governance*

In the name of good governance, the government of Zambia has ratified numerous international conventions relating to the enhancement of various aspects of human rights. It has, for instance, signed the Convention on the Rights of the Child. This being the case then why do we still come across or hear about cases of child abuse in Zambia? In fact, there is a growing perception that such cases are on the increase. Why? Has government actually created and capacitated institutional structures to develop programmes to give effect to the

convention? After ratification, has government moved to incorporate such treaties and conventions into domestic law? Or has the government participated in formal signing ceremonies, merely as an exercise in international public relations and left the documents gathering dust on the shelves?

This is something that needs checking out. For international treaties and conventions are not self-executing by the mere fact of their ratification. They become functional only after they have been infused into a country's municipal laws.

### *Religion*

The declaration of Zambia as a Christian nation in the 1990s has spawned a proliferation of churches and splinter church groups on a scale never imagined before. Is this a phenomenon driven by a genuine desire to evangelise the nation and turn souls to God? Or, is something else at the centre of this development? In an era of a diminished and still shrinking job market, has religion become a lucrative source of income for some? Where do churches derive their incomes from? How are these incomes used? Are church leaders living lifestyles commensurate with their stipends? Are there undesirable elements hiding behind the façade of religion while they carry out nefarious activities?

The recent discovery and consequent prosecution of members of a "religious" organisation in Lusaka holding a host of Zambian children in virtual enslavement is a case in point. All this suggests that religion is not a sacred cow and is, therefore, fair game for investigative treatment.

### *Non Governmental Organisations (NGOs)*

Nor should NGOs be considered out of bounds. Not all charitable NGOs operate purely on the principle of service to the vulnerable. While a great many NGOs are involved in honest, charitable work, we cannot discount the existence of others which, while purportedly rendering service to the socially disadvantaged, in actual fact exploit their charges by using their plight to solicit for money and other donations which they divert to their personal use and enrichment. The intentions and activities of those who form such organisations deserve close scrutiny by investigative reporters.

## *Land*

The accessibility of land to locals, and the sale of land to foreign interests, have become matters of great concern to Zambians. Many indigenous people bemoan the hurdles they face when trying to get small tracts of land while, in sharp contrast, they watch in amazement the ease with which foreigners, even those newly-arrived from crisis-ridden neighbouring countries, acquire huge expanses of the same land for so-called investment. Land alienation is always a sensitive matter and has been the cause of conflict and civil strife in some countries, for example, Zimbabwe.

Here in Zambia, it will be recalled that in the early 1980's, a number of families in the Ngwerere farming area in Lusaka were evicted from what they had always believed to be their ancestral land when a commercial farmer waved his title deed to the same land and gave them marching orders. What was the immediate consequence of that development? The affected families descended on the city of Lusaka, and almost suddenly, the hitherto-unknown Kamanga compound mushroomed into a sprawling, unplanned squatter settlement west of Chelston Township, putting additional strain on the city council's service delivery capacity.

In Zambia, by law, land is vested in the president, but traditional leaders are also said to retain authority over land under their jurisdiction. Does this dual system cause loopholes, difficulties, and confusion when it comes to allocation of land? Could this explain the situation where, for example, in 2003, Chief Mukonchi and the Kapiri Mposhi district council allocated 29,000 hectares of land to Mulungushi Development Corporation for agricultural development, only to have the Minister of Lands nullify the offer on the grounds that it was too big to be given to one investor at once and, instead, proceed to grant only 250 hectares? Now, that is something worth investigating.

## *Environment*

Environmental issues have become matters of great public concern all over the world and they ought to attract the attention of investigative reporters. Consider this hypothetical case. Many years ago in Lusaka, the sewage treatment ponds in the Garden

area became breeding grounds for mosquitoes, and malaria was a permanent problem for residents of Garden and the surrounding areas. Later, a breed of fish was introduced into the ponds which fed on the mosquito larvae. In the course of time, mosquitoes were cleared from the area, and the incidence of malaria was significantly reduced.

Some years later, because of harsh economic conditions, some residents descended on the ponds and began to catch the fish for sale at markets. Soon there was no fish left. Almost with a vengeance, mosquitoes returned to the ponds and began to breed rapidly. The increase in the population of mosquitoes brought with it an upsurge in reported cases of malaria once again. The fact that residents had begun catching fish in the sewage ponds might have been reported as a filler story tucked away at the bottom corner of a newspaper page, its only purpose being to alert buyers that they risked buying contaminated fish in some of the city's markets.

A reporter pondering the potential environmental impact of the activities of the "fishermen" may, from the filler story, have chosen an angle that allowed for the further exploration of the subject to produce the kind of story we have cited in this paragraph, which could have prompted the city fathers to take the necessary action to avert the return of malaria on a large scale.

### *Agriculture*

There is need to keep tabs on conditions and developments in the agricultural sector. For example, large-scale farms are becoming increasingly vertically integrated business enterprises. Dairy farms whose activities may once have been limited to producing and selling raw milk have diversified into all aspects of the milk business. They now grow the fodder which is fed to their dairy cows. They process and package milk, as well as produce such milk derivatives as butter and cheese, on their own premises. What does this mean to those enterprises which use milk as raw materials in their production processes?

It means they must look for other sources, or else venture into dairy farming themselves, failing which they simply close shop

and offload their workers onto the streets to join the growing army of the jobless.

The same may be happening elsewhere in agribusiness. We once had ranches whose only business was to raise beef cattle for sale to abattoirs and butcheries. Not anymore. Big ranchers are now constructing their own abattoirs and meat processing plants where they do everything from slaughtering to the processing and packaging of such ready-to-eat meat products as cooked sausages, ham, polony, etc. When you add to this the fact that profit and cost considerations persuade them to use capital-intensive technologies which are imported into the country, you begin to see the implications for the labour market and the national economy as a whole.

Note that this is a trend, a process, whose effects cannot be calculated simply by looking at the operations of one particular enterprise. Here, you look for a pattern, or a trend, and begin to surmise as to its possible long-term cumulative effects. Research, in other words, an investigative inquiry, into this kind of development would be in order.

### *Pricing*

A probe into the glaring disparities in prices charged by different business houses for similar or identical goods may reveal dishonest or unethical practices among some of them. In the motor industry, for example, a simple radiator cap costing less than K10,000 at some outlets may fetch as much as K50,000 for the same car model at big-name franchise auto dealers. This writer was once quoted about K1,800,000 for a water pump for a subcompact saloon car and declined to buy because it looked exorbitant. Inquiries at other auto parts dealers revealed that the highest quote for a water pump for a car of the same class and cubic capacity was about K300,000.

About six months later, I returned to the first dealers and asked them how they could possibly justify such a yawning gap between their prices and those of their competitors. One counter salesman then looked up the spares inventory on their computer. It took him a long while before he finally said his colleague had quoted the wrong price. The right price, he said, was about K700,000

subject to a 10% cash discount. And this was half a year later! Now, was that a genuine error, or was it routine practice? How many customers had paid K1,800,000 for that part and gone away not knowing they had been ripped off by more than a hundred percent? A quick survey showed that this company almost always charges several times more for spare parts than other dealers.

Two years were to pass before I heard a colleague narrate how he confronted the manager at the same company over the prices his sales people had quoted for a spare part. The manager was so horrified he in turn confronted the salesmen and asked how much they had quoted for the part. He told them the quoted price was grossly exaggerated and, with apologies to the customer, directed that he be sold the item at the "right" price. Is that merely coincidental? Or does it suggest this company operates a dual price policy whereby government and institutional customers are charged higher than private individuals? Here is a fact that might provide a clue.

This same company supplies and services a fleet of government vehicles. Could it be that, having captured a large portion of the lucrative government market, this company is emboldened to charge pretty much what it likes; knowing that a government that daily preaches the virtues of a private sector-driven free market will always pay without questioning the overstated bills? Is the practice unique to this one company, or is it an industry-wide reality perpetuated by a cartel? How long has this been going on?

Incidentally, just a week after drafting this part of the chapter, the media carried a story attributed to works and supply minister Ludwig Sondashi bemoaning the existence of two parallel charges for the repair and service of motor vehicles - one for private customers and another for government, companies and organisations. According to the minister, in certain cases, some transport officers in government were engaged in shady deals with some unscrupulous motor repairers to inflate the cost of repairs so that they make money for themselves.

Remarkably, although the *Times of Zambia* made it the lead story on its front page headlined "Car repairs scam exposed" (*Times*, 23 September, 2003), the *Post* only appended it to the bottom of



a different story on page three headed "Govt. suspends 30 weigh bridge operators" (*Post* issue No. 2532). Had the media been more alert and proactive, they might have investigated the matter and brought it to public attention before the minister did. Nor did they see any need to follow up the lead on the purportedly crooked government transport officers conniving with outsiders to swindle government through overcharging on repairs.

It is worth noting that government does not own money. What government spends is public money. So, when government is over-charged for services the real victims are the public, because government is quite often forced to renege on promised social service delivery because funds originally earmarked for such services are diverted to paying bills to its own suppliers.

What we have outlined above refers to companies defrauding the government and members of the public. This kind of scenario fits into the category known as consumer journalism. Consumers are not only individual members of the public. Government and other institutions, including business enterprises, are also consumers so long as they engage in commercial or business transactions with other institutions, organisations, or individuals. Thus, we must be careful when we think that the public has no cause for worry when one company exploits another.

### *Exploitation of Corporate Enterprises and Institutions*

Continuing with our theme on the motor industry, consider this scenario depicting how the individual consumer is indirectly exploited or disadvantaged:

You take your car to a garage for panel beating after an accident. Before deciding the charges, the garage manager asks whether the cost of repairs will be borne by yourself, your company, or your insurer? If you say, for example, that the cost will be covered by insurance, the garage proceeds to quote higher charges for labour and spares. The car is repaired and your insurer picks up the bill. You do not feel the effect because you have not paid from your pocket.

The truth is you will eventually pay, because the next time you buy insurance, your insurer will pass on the cost through higher premium charges and your loss of the no-claim discount for the

new insurance year. If you multiply this across the motor industry, what emerges is a clear picture of an arbitrary and distorted pricing structure where the motive of super profits overrides consumer service, and exploitation goes unchecked and unabated.

In this case, the victim is not only the individual company or consumer. The truth is that the whole society gets affected as you wind up with a high cost business and economic environment which stifles domestic and inhibits the flow of foreign investment. A nation starved of investment experiences economic decline with all its social and political consequences. On the other hand, foreign investment given free reign might become a law unto itself and operate against the interests of the host nation and its citizens.

The suck-and-run conduct of some South African investors in Zambia since the liberalisation of the latter's erstwhile commandist economy is instructive in this regard. The point is that developments in commerce and industry affect people in both positive and negative ways. They are issues crying out for investigation and must therefore receive due attention from investigative reporters.

The above account is but a snapshot of the boundless universe of investigative reporting. It has been presented to point out areas of investigative interest, other than malfeasance or official wrongdoing. No area is patently off-limits. Anything and everything can be the subject of investigative reporting as long as it involves something of interest and importance to the public, and its continued concealment would victimise groups or individuals, or work against the public interest in one way or another.

## Chapter 3: Origination of Investigative Story Ideas

Unlike in routine, daily reporting, investigative stories do not just happen; they are well thought-out and created through a process that starts with an idea which is then painstakingly developed through rigorous research. In this chapter we will discuss the origins of investigative story ideas.

Ideas for potential investigative stories can spring from a number of sources. These include tips from people; the grapevine; your own intuition or suspicions; patterns from recurring phenomena; and story 'enterprising'.

### The Tip

You get a hot tip from a source and proceed from there. A tip may come from someone you know, such as a friend or acquaintance, who may have seen or heard something they want to bring to your attention. They may, indeed, have their own suspicions or intuitions which they want to share with you. They may want to let you in on a rumour or allegation they have picked up doing the rounds somewhere.

These are people you can count on to help you get more information if you decide that their tip is credible or important enough for you to follow up. Or, the tip may come from someone you do not know who calls you on the telephone, or writes you an unsigned letter, to tell you what they know but who wish to remain anonymous. They tell you "such and such is happening, and I think you guys should look into it." Elsewhere in the book we shall discuss how you deal with tips from sources, especially the anonymous type.

But the fact that they have chosen to share the information with you means that it is something to which they attach a certain amount of importance. It is up to you to do a snap evaluation of the information and the tipster's motive before deciding whether or not it is worth following up.

## The Grapevine

A lot of information travels on the grapevine even in places where many formal, established channels of communication exist. Unfortunately, most of the information found on the grapevine tends to be based on rumour, idle gossip, and unsubstantiated allegations. Nevertheless, it is unwise to instantly dismiss everything from this source as petty, trivial, and untrue.

Although this kind of information is often distorted, some of it may serve as a pointer to something really happening. A strong, persistent rumour is certainly not something to be simply ignored for the reason only that it has come from the grapevine. Give it a thought; try to establish the source and motive of the rumour, and check to see if some rational members of the public think it is not entirely without merit.

## Intuition

You can start a probe based on your own stock of knowledge and past experiences. Occasionally, your own intuition or instinct suggests something is wrong or somehow just doesn't add up. This is usually triggered by an occurrence that reminds you of some negative or discomfoting experience from the past which makes you suspicious. You come to have a gut feeling that something is awry and needs checking out and you are on your way.

Intuition got to work when an ordinary advertisement offering high-paying jobs on a cruise ship triggered one reporter's suspicions and he decided to investigate (see Case Study in Chapter 13).

## Recurring Phenomena/Patterns

As an alert reporter you will see certain things occurring regularly or repeatedly at a given place and time. Sometimes you will observe a pattern from what appear to be isolated incidents and decide to have a closer look. Here is an example. You are not familiar with the politics of relief food in Zambia, but for three consecutive years, clashes are reported between area members

of Parliament and non-governmental organisations over the distribution of relief food in famine-stricken areas.

The situation is characterised by accusations and counter-accusations leading to badly strained relations. You should wonder why a charitable exercise such as taking food to starving citizens should generate such acrimony between the NGO operatives and the people's representatives. A few questions then come to mind: Is the distribution process flawed?

Could the desire for personal gain be fuelling the conflicts? Indeed, does the exercise present opportunities for personal gain? If the same clashes are reported for three years in a row, involving the same cast of characters, in exactly the same set of circumstances, you have a situation appropriately calling for inquiry.

What about the Food Reserve Agency's preference for imported relief maize and fertiliser at the expense of local produce: is someone at the agency privately gaining from cross-border and overseas transactions? Your suspicions are sustained, and you decide to investigate.

## **Story Enterprising**

This basically means building on a story already published by your own or other media, by probing some yet-unexplored angle or facet. News stories often raise new questions, or leave a lot of questions unanswered. An example may be a short story, possibly a filler, reporting that the Zambia Electricity Supply Corporation (ZESCO) has bought one hundred new vehicles.

The company plans to paint this new consignment and the entire existing fleet in new corporate colours. Now, that is quite a simple story, hardly anything to raise eyebrows. But an inquisitive mind will ask whether ZESCO might not have made substantial savings if the new cars had been custom-painted at the factory when the bulk order was made in the first place.

Other questions may follow: what has prompted the move, at this particular time? Who gets the tender, and how? If the Minister under whose portfolio the company falls also happens to be the

owner of the nation's biggest supplier of automotive paints, a possible link now appears, and the question may be asked: did the minister influence the company's decision? These are questions begging for answers, and an investigation would be more than appropriate.

## Records and Files

A look through your own personal clippings on a given subject in a file, or files and documents in a library may yield an investigative idea. As we shall see later, documents also serve as very reliable sources of evidence which is literally "on record."

By whatever means it comes to your attention, as a reporter, there are few things you will need to consider before deciding whether to develop the idea into a story or not. These are best handled as a personal question-and-answer session, for they represent a kind of exploratory inquiry. Your candid answers will give the first indication of the importance and feasibility of the exercise.

*First*, as we have earlier stated, in the case of a tip, you must assess the credibility of the information, as well as the motive of the source: does the tip appear credible on the face of it? Do the basic allegations and any accompanying evidence appear credible? It helps your assessment if the accompanying documents are authentic. What about the source of the tip: does s/he appear credible? Is s/he someone reliable? Beware the anonymous tipster, especially the axe-grinder, who may want to use you and your news organisation to fight their personal vendettas against those about whom they harbour a grudge.

What is his or her motive for volunteering the unsolicited tip? Does s/he personally stand to gain if the story is finally developed and published? Some tipsters are downright conmen, so you need to be cautious and sceptical. Find out if there is someone else in the community who has knowledge of what your anonymous informant has ventured. At this stage, however, it is sufficient for you to just have a sense, and not be entirely convinced, of the tip's veracity.

*Second*, assess the feasibility of the story. Can the allegations be proven? Remember, a story alleging wrongdoing is nothing but mere speculation if the allegations are not substantiated by evidence. You need to assess the possibility of finding and accessing both human and documentary sources. For example, if it is clear from the outset that the most crucial piece of evidence for the story lies in a secret document somewhere in Antarctica, you are not likely to persuade your superiors to foot the cost of your trip there in search of such information, and the story would be a non-starter. Also try to estimate the scope of the possible story and how long it would likely take to complete. The Zambian media, especially, do not have the capacity to commit resources to a long, drawn-out probe whose outcome cannot be ascertained upfront.

*Third*, ascertain the possibility of scooping your competitors. Remember, journalism is a competitive industry where the players all seek to be first with the story. It would be both disheartening and a waste of resources to start working on a story only to see your competitor come out with the same story before you have finished your investigation. To this end, you could send out "feelers" to personnel at other media to "spy" on areas they may be investigating, just to be sure.

*Fourth*, you must determine whether you have sufficient personal and professional interest in the story. You are likely to do a half-baked job if you take on a subject in which you lack either personal or professional interest. Investigative reporting is a demanding, tedious undertaking which requires a great deal of patience, persistence, perseverance, and commitment. If you do not have interest in what you have chosen or been assigned to do, you will lack commitment, lose the zeal, and give up before long. So, it is important to assess your interest in the matter early on.

*Fifth*, decide whether the subject is something your superiors would allow you to investigate. Some media organisations, for any number of reasons, have policies that preclude coverage of certain subject areas. For instance, advertising revenue looms large in the minds of media owners and executives, especially where a media house is sustained by one dominant advertiser.

Bottom-line considerations may well produce a policy that shields important business clients from damaging or negative coverage which may harm existing business relationships and threaten the news organisation's revenue base.

Such policies are rarely expressly stated in black and white but they, nevertheless, do exist. It is important that you clear this in your mind at the very beginning before committing yourself to the story in embryo.

*Sixth* and most important of all, at this early stage try to see the subject's news value. How many readers and non-readers does it affect? Is it something a reasonable portion of the audience needs to know but is being prevented from knowing? Visualise the possible impact the story will have on your audience. An investigative story is of no value unless, looking down the road, you can see its potential impact when it plays out among your audience and policymakers. If the issue is trivial and not sufficiently important to the public, the story will have no impact, and it will be unwise for you to proceed.

However, if your interest is sustained after this initial screening, as an investigative reporter you still have other intellectual tasks to perform before the investigation can begin. You must first interpret the significance, or meaning, of the information you have received.

The starting point is to ask yourself,

"What is this story really about?"

This stage involves what is called "conceptualisation."

### *Conceptualisation*

Conceptualising the story requires an objective, dispassionate look at the information at hand, and visualisation of the type of story that it might yield. You look for factors that help give meaning to your information.

According to Protess et al (op. cit., p.211), the story will become increasingly important if three things happen, namely if:

1. You can sense the drama in a potential story;



2. You can deduce a pattern of wrongdoing from what appear to be isolated cases, and
3. You can persuade your superiors that it will be worthwhile to proceed with the investigation and commit resources to the effort.

### *Sensing the Drama*

Your interest will be boosted if you see the potential to tell a story with dramatic appeal that is sure to catch the attention of the public and important interest groups. This requires that you first identify the possible characters involved, as well as the story line. If it is a story involving personal tragedy or victimisation, you ask: Who are the victims? Are they helpless orphaned young girls lured into an orphanage where they are abused and exploited? Who are the villains? Are they respected leaders of NGOs purportedly established to help young girls in distress?

Some subjects by their nature have inherent potential to generate emotion and command public anger and outrage. For example, a story about someone or an organised group making profit out of child pornography and sexual abuse has in-built potential to raise public emotions, and you should be able to sense the drama even at this initial stage of story conceptualisation.

Reviewing past media stories of such incidents will give you a sense of public attitudes, sensitivity, and reactions to such matters. A case in point is the march by an angry mob of Lusaka women to the office of the Home Affairs minister to protest against the death of an 11-year old girl who had died after being defiled by her step-brother (*The Post*: No. 2527, Sept. 18, 2003). Passions were driven even higher when, in the same week, it was reported that Mpezeni, the paramount chief of the Ngoni people of eastern Zambia, had defiled a 14-year-old girl (*The Post*: No. 2532). With this in view, the dramatic value of reported future cases of defilement and sexual abuse cannot be hard to imagine.

### *Contextualising the Story*

After visualising the drama, there is need to give further meaning to the story by placing it in a broader context or category. According to T. Gitlin (Protest: p.212), this involves putting a

"picture frame" around the early evidence of wrongdoing to identify the relevant investigative class or type. Is this story about corruption? Is it about consumer fraud, or human rights, or unethical conduct?

As stated above, some media organisations prefer certain types of stories over others. Therefore, definition and classification of the story type at this stage helps early decision making as to whether the story can take off.

### *Persuading Superiors*

An investigative project cannot be undertaken without sufficient resources. These include money, logistics, time, and human resources. It is not enough to satisfy yourself that the story idea is worth pursuing. You must sell it to your superiors and convince them it is an exercise worth committing the organisation's resources to. The emerging story only achieves priority status once you have obtained the go-ahead and secured the commitment of your managers. Depending on the complexity of the issue and the stakes involved, the green light from the superiors at this stage may only be provisional, subject to review at subsequent stages in the evolution of the story idea.

The initial assessment and conceptualisation, then, constitute the preliminary research and basis on which will be determined both the justification for and feasibility of the investigative project. It represents a form of forward planning, and planning is absolutely crucial to successful investigative reporting.

## Chapter 4: Planning the Investigation

An investigative story is painstakingly put together from a careful selection and weaving of disparate pieces of information gleaned from different sources, under varying conditions and circumstances. It cannot, therefore, be expected to take shape by a haphazard use of data and technique. An investigative story is the product of careful, detailed planning.

You need a plan to know before hand whether the project is feasible, affordable, and worthwhile. A good plan forestalls the wasting of resources, and also helps gain project approval from the organisation's management. In this section, we shall discuss planning at two levels: planning the story, and planning the investigation.

A reporter needs to perform certain tasks to yield information that will be used to construct the plan in either case. Let us begin with what goes into story planning.

### Story Planning

Story planning culminates into what looks like a project proposal in summary form. Story planning yields an outline of the important aspects of the potential story, showing what will or needs to be done to accomplish the exercise.

#### *1. Subject*

Typically, the outline will begin with the title, announcing the subject matter of the intended probe, i.e., what we want to investigate. This headlines the theme of the project.

It may include the key issues to be addressed and the major questions to be asked.

#### *2. Rationale*

The rationale tells why we want to pursue the story. It briefly argues the case for the proposed exercise and gives reasons that justify expenditure in terms of time, money, and other resources. An investigative story is justified if the motivation behind it is to

serve the public interest rather than your own private agenda or that of your superiors.

### 3. *Resources Needed*

Here you will spell out the resources needed to effectively carry out the exercise. The scope and magnitude of the project will dictate whether it is something that can be done by one person or by team effort. In the case of a project requiring a team, you must indicate how many people are needed, whether from your staff colleagues or specialists from outside your organisation.

Estimate how much time the story will take to produce, and how much money will be required for travel, logistics, and other expenses. All these must be estimated and budgeted for.

### 4. *Sources*

What are the possible sources to be consulted? Where can they be found? Will they be accessible? In this section you may have to mention any backgrounder interviews you plan to have with experts on the subjects as well as '*peripheral*' sources who might help locate the vital sources.

You might also state what background information has to be acquired from secondary sources, such as libraries and other information repositories.

### 5. *Scope*

This part gives some idea as to the scope and magnitude of the project. It states the envisaged parameters of the whole exercise, i.e. is this going to be a story detailing a particular incidence of a general picture, or will it be an examination and exposure of the workings of an entire system gone wrong?

### 6. *Techniques*

Outline the techniques, or methods, that will be used in the investigative and information-gathering process. Are you going to use interviews with human sources, or rely on documents and records? Will you use the survey or direct observation? These are the so-called investigative devices, also known as the tools of the investigator.

## 7. *Deadline*

Set a reasonable time frame for the investigation and completion of the story. Working to a deadline calls for discipline, which helps you to get focused and to maintain both commitment and momentum.

## 8. *Presentation*

Give an indication as to how the story will be presented. Do you expect it to be presented as a series or a one-off feature? This is purely speculative at this stage, but the complexity of the subject will give you the initial idea, and the nature of information dug up in the probe will ultimately determine the final format of the story.

From William Gaines (1998: pp. 51-54) we borrow two examples of what a typical story outline might look like. Here is the first:

1. Title: Highway
2. Subject: Land purchased by the state for the new highway.
3. Need (Rationale): The state highway department is buying land to build a stretch of highway north of the city. In the past, there have been scandals involving the purchase of land from persons who had inside information about where roads would be located and there is evidence that the state paid an inflated price for the land it acquired. Usually, these stories reveal problems after the money is spent. If we do a story now we can anticipate problems, head off any waste or corruption, and save taxpayers' money.
4. Scope: This investigation will be limited to the land acquisition programme and its cost. We will not attempt at this time to examine the contracts for construction work. We will avoid a story about the displacement of persons by the highway or the damage to the environment, since we have conceded that the highway is necessary. We will also look at the land that the state is not acquiring but that will increase in value because it is at an interchange.

If insiders speculate on this land, does it mean that the decisions about locating the road and interchange were made to accommodate them? Even if we don't find insider dealings, we

may find that the cost of the land acquisition is much more than the state has admitted to the public.

5. Methods: Most of the information for this story will come from land records in the recorder's (land registrar's) office, from condemnation suits, and from interviews of landowners. We will compare the cost of land acquisition for other similar highways. We will tabulate the full cost of the land that has been bought so far to see if it already exceeds the estimated cost.

6. Sources: We can get a list from the highway department of all properties to be acquired. If we run into any delays, we can immediately go to the land records office and find condemnation proceedings recorded against the properties. We will make a list of all of the properties and do a thorough research of each. By looking at land records and condemnation suits, we will establish past and present ownership.

We will note especially the date the current owners bought the land and how much they paid for it in the chance that there has been inside information and speculation that has driven up the price. If there were recent buyers who now are selling to the state, we will look into their backgrounds to see if they might have business or family connections to state officials.

We will locate the previous owners and ask them with whom they negotiated in case the owner of record is not the only person involved. We will look for any recent changes in zoning that may have been sought for the sole purpose of increasing the market value of the land. We will look for any speculation involving the land that is adjacent to the highway to see if the speculators have connections with state officials.

We will check on the business backgrounds of all persons and corporations involved in the ownership of the land or who might get broker fees. We will look for obvious over-pricing, such as the state paying the rate for commercial property for land that is not suited to such use.

7. Production (Presentation): We will tell this story in a series of newspaper articles. Maps will be extremely important, and we could get an aerial shot to best show the terrain we are writing about.

We will plan on a sidebar showing the chronology of the highway project, how it was conceived, approved by the legislature, and funded, and all important happenings and dates up to the present. If we find that this highway project is extremely wasteful or corrupt, we could do an additional story on how a similar project was accomplished more efficiently elsewhere.

The second example is on a subject Zambian city dwellers are now familiar with, Street Beggars:

1. Title: Beggars.
2. Subject: A look at the activities of beggars on the streets.
3. Need: There have always been beggars, but it seems that they are appearing on the streets in increasing numbers. Beggars are embarrassing to the city, and there needs to be some control. They range from passive beggars who sit with cups to panhandlers who approach people and demand money. Some of the latter's tactics border on robbery. People are becoming irritated by such tactics and will be interested in an investigative story on the subject. The story will be remembered because it is unusual; we don't know of any newspaper or television station having done such a story.
4. Scope: We won't attempt to examine the broad social aspects of why there are beggars, but will try instead to define the laws or lack of laws involving begging and efforts of enforcement. We will attempt to discover if beggars are really in need and also if there could be organised begging in which locations are assigned or agreed upon and a tax is paid to some street lord, as often is the situation with prostitution.
5. Methods: We will do legal research, but the bulk of our documentation will come from surveillance, because we don't believe there is much on the record about beggars. We will also survey the public to determine the level of irritation caused by beggars.
6. Sources: Because we don't know the names of beggars, we will go to law enforcement officials and ask if they recall any arrests and try to locate those cases in court files. If we find from those files that there are some infamous beggars and we can determine

their mode of operation, we will try to find them and watch them. That way, it won't be our judgement alone about what they are doing. If there have been arrests, there must be complainants who may talk to us. They will probably be businessmen who don't like beggars hanging around their stores.

7. Presentation (Production): This story will be done as a television series. As soon as we establish patterns of individual beggars who may be especially malicious, we will film them by concealing cameras in a truck on the street. We will do on-camera interviews with government officials and any complainants or victims of beggars. We will also try to interview beggars themselves on camera.

The outlines presented above represent a clear and logical way of early story conceptualisation. Each of them gives, in a sense, a preliminary snapshot of the issue(s) at hand as well as the activities that will be carried out to bring the story in embryo to maturity and publication. A story outline in this form shows disciplined thinking on the reporter's part, and makes it easy for the organisation's superiors to have a feel or view of the exercise. It enables them to visualise the project's potential impact and to make a reasoned decision as to its feasibility or desirability.

## **Planning the Investigation**

The investigation plan is much more detailed than the story outline presented above. Think of it as a strategic plan of action, spelling out the specific tasks you will perform and how you will go about performing them. Lars Moller's model (Tekst&Vision.lars@journalisterne.dk) is worth reproducing here:

### **Lars Moller's Model**

#### **1. What Are The Most Important Questions In This Case?**

- a. List your knowledge of the issue(s) by asking:
  - (i) What do I know?
  - (ii) What do I presume?
- b. Base-building
  - (i) What basic information (and facts) must I find?



- (ii) How do I conceive the problem?
  - (iii) What is its historical background?
  - (iv) What are the ethical considerations involved?
- c. State the topic as a series of important questions.
  - d. Make a list of information that needs verification and confirmation, and by whom.

## 2. Who Are The Stakeholders?

This entails doing a who-is-who stakeholder analysis to determine the parties involved in or affected one way or another by the problem.

- a. Who is or might be opposed to the publishing of the story, internally within my own organisation and externally among the other interested parties?
- b. Who might be hurt by the story and turn into enemies? What are the dangers, and how can I protect myself?
- c. Who are the potential allies in my search for information?
  - (i) Do I need an inside informant?
  - (ii) How and where can I find him or her?
- d. How can the audience use the information?
  - (i) Who are the target audience?
  - (ii) What can the target audience do, if anything?

## 3. Organise Your Sources

- 3.1 List your oral sources in order of priority
  - (a) Divide your sources into background sources; sources who can be quoted, and key sources.
  - (b) Define sources as either primary or secondary.
  - (c) List sources according to their human interest/personal experience; partisanship; independent expert knowledge.
  - (d) Categorise all sources as either possible allies, neutral, or hostile to your work.
  - (e) State how and when you will get access to them.
  - (f) Indicate any legal or ethical problems involved.

- (g) State the ways in which you will protect the sources who need protection.
- 3.2 List down your documentary sources.
- (a) Define them either as background documents or key documents.
  - (b) Separately list those you regard as easily accessible and those difficult to access.
  - (c) Sources to be downloaded or examined via the internet.
  - (d) How to access the difficult sources.
  - (e) What are the legal or ethical issues involved?
- 3.3 List locations for reportage and observations.
- (a) Are the locations accessible? How will you get access?
  - (b) Can you get photographs (for print media), clean sound (for radio) or live pictures (for television)?
  - (c) What are the legal or ethical problems involved, if any?

Planning is essential to the smooth execution of a complex undertaking such as investigative reporting. It allows you to identify the issues involved, the forces at play, the obstacles likely to be encountered and ways to circumvent the obstacles. A plan puts all the major project elements into focus. The more detailed the plan, the better. A good plan anticipates both constraints and opportunities and, therefore, enables you to proceed in a smooth and systematic manner. A good plan is itself usually the product of some preliminary research done to determine the desirability and feasibility of the investigative story project.

## Chapter 5: The Investigative Tools

In the preceding chapter we saw that the investigative story project outline includes the methods to be used in the information-gathering process. These methods, or techniques, are the tools the investigator uses to dig for the facts that will serve as evidence for the allegations, suspicions, or claims brought to the reporter's attention.

To carry out a probe, the reporter relies on four devices, namely, interviews, documents, surveillance (including infiltration or participant observation), and surveys. Some complex stories may require that the reporter use all four techniques while others call for less. And the skill with which they are employed will determine whether the desired information is acquired with relative ease or not acquired at all. This is why it is always important to thoroughly prepare oneself before embarking on an investigation.

### Interviews

In almost all cases, interviews with oral sources are the most important source of information for an investigative story. Preliminary interviews with reasonably knowledgeable people or experts may, for instance, show that a tip the reporter got from an anonymous caller is either baseless or worth pursuing. A person interviewed may suggest possible other sources to be contacted.

Interviews with victims of wrongdoing yield information that enables you to write a compelling story illustrating the impact of the wrongdoing on those who have personally been affected. The stories of victims, told in their own words, give a human face to what would otherwise be an account bearing no relevance or meaning to the audience being addressed.

You need to interview witnesses to the event for their testimony. Get from them an eye-witness account or documentary proof of the development under investigation. These are people who can attest to what they saw happen and narrate how it happened, who was involved, where the incident took place, the date, the

time, and so forth. These are the facts upon which you will rely to substantiate the allegations and prove your case.

Interviews with victims, experts and witnesses may be conducted in person, by telephone, or through a questionnaire. Only in rare circumstances should you send a source questions in advance even if you are going to follow it up later with a personal interview. You may do this only with a source who is collaborating with you at a distance and asks you for specific questions for which they can research for specific answers to help you in your exercise.

Otherwise, except perhaps for extremely inaccessible sources, such as a busy head of state, an advance questionnaire gives the source time to prepare and rehearse his answers. Where you are dealing with a conspiracy, the source gets a chance to alert the other villains that a probe is underway, and they concoct a story to tell you when it is their turn to be interviewed.

In the case of a questionnaire not administered through a personal interview, you miss the opportunity to ask follow-up questions to fill the gaps in the answers given. You also miss the opportunity to observe the interviewee's body language, which may suggest whether or not the source is lying, or, at any rate, holding something back. This kind of information-gathering denies you the chance to, in a sense, cross-examine the source.

An interview needs planning, because the quality of your questions and your approach to questioning determines the quality of the information you get, or whether you get any information at all.

## **Documents**

Good investigative reporting includes knowing what documents to get as well as how and where to find them. The term "document" is not limited to the printed record. The definition is broad enough to include any physical object used to hold information in some permanent form. Files, records of one type or another, contacts, agreements, registers, receipts and invoices, audio and video tapes, charts, photographs, films, letters, and computer diskettes; all these may contain information that can be used to corroborate a story.

A lot of information generated or collected by government departments is on file and, except for classified documents, accessible to a reporter. Generally speaking, a lot of information is literally "on record." There is a lot of useful information lying in public files on companies (available at the office of the Registrar of Companies), real estate (Commissioner of Lands and the Registrar of Lands), minutes of local council meetings, etc. Income tax records and private business records are generally not open to the public and the media, but property records are. You can, therefore, peruse them to establish how much property a person owns in his/her name.

Documents abound. It is just a matter of knowing where to look for them, assessing their accessibility, and identifying the custodians, or gate-keepers. In the absence of a Freedom of Information Act which places much of the government-generated information in the public domain and compels gate-keepers to release such information to media people on demand, the reporter must rely on personal drive and initiative. Court records are particularly ideal documents because they contain information submitted under oath.

Documents are reliable because they never change their contents. They are not like human beings who, when they are bribed or when the heat is turned on, may change their statement and say you misquoted them. The point about documents, however, is that they do not, by themselves, tell the whole story. Documents and their contents need to be understood and their meanings related to the story being pursued.

A weakness with documents is that one cannot ask them questions. The reporter must still find the people who supplied the information in the documents so that they may answer the questions. In other words, a document standing alone without its human source needs to be carefully and correctly interpreted. And there is always the sobering prospect that the document in your hand may be a fake or forged one! So, in this business, you should strive to lay your hands on original documents or authenticated copies.

## Surveillance

Surveillance places you the reporter in a situation where you become an eye-witness to an unfolding event. You get information first-hand through personal observation. Through personal observation, you are able to see how things develop. One thing leads to another, links begin to come into view and, finally, you recognise a pattern emerging from occurrences which at first instance appear to be isolated and purely coincidental. This is especially the case if you are a reporter covering a particular beat. After being on the beat for some time, you will notice things which are more than coincidental. A pattern may become apparent in a judge giving out suspended sentences to rich and influential convicts while handing down mandatory jail sentences for petty crimes committed by the poor and vulnerable.

## Surveys

An investigative story may be constructed from a survey. By survey is meant a systematic examination of a group or a set of items within a subject under investigation to produce a story. One example is a survey comparing sentences handed down by different magistrates for similar crimes. Glaring disparities might suggest that some of them are compromised by bribes from criminal elements.

Surveys normally use samples to generate figures and statistics which are then analysed and interpreted to produce a story. For instance, you might want to compare the cost of garbage collection in different towns to establish why some spend more than others. Or, within the same town, you could compare the budgetary allocation to street light maintenance over a given period, say, four years. You may find out that, although the amount allocated last year was far higher than the previous year, there are now more street lamps without bulbs. The numbers would thus raise questions that the story might answer. Success in investigative reporting depends on the selection and effective use of appropriate means of fact-gathering. Interviews, documents, surveillance, and surveys are the investigative reporter's tools. The reporter must learn which to use at the appropriate time, taking into account the prevailing circumstances.

## Chapter 6: The Investigative Process

The investigation exercise is the actual process of gathering facts and evidence to prove or disprove the allegations or suspicions that have prompted the project. This is the most taxing part, requiring use of the reporter's best skills and characteristics. It involves finding and cultivating human sources, locating and accessing critical documents, and sometimes directly observing the happenings first hand.

There are various obstacles to information-gathering for an investigative story. A morbid fear of repercussions makes most people reluctant to reveal information which may embarrass, scandalise, or incriminate others. Even when such people are persuaded to talk, they will often give information in bits and pieces which the reporter needs to tie up with bits of information gleaned from other sources to construct a coherent and meaningful story.

Documents containing crucial, damning information are nearly always kept concealed in inaccessible places off limits to reporters and members of the public. What this means is that the reporter must exercise diplomatic skills to cultivate and maintain the sources s/he needs both for tips, quotable eye-witness accounts, and to negotiate access to hidden documents. For, an investigative story is incomplete, and legally perilous, if it is merely a publication of allegations and rumours not supported by eyewitness accounts and/or documentary evidence.

In this chapter we will point out the complexities of the problems you are likely to encounter in the field, and suggest possible ways of dealing with them. As will become evident in the course of the text, thorough preparation helps you anticipate hurdles and sketch out ways in which you can get round them. Preparation begins with what is known as *Backgrounding*.

### Backgrounding

Backgrounding involves basic research to obtain information which provides you with an understanding of the situation you

wish to probe. You have to gain an understanding of the subject matter you intend to investigate for you to know how and where to begin. If you want to look into allegations of unbecoming conduct by a cabinet minister or a member of parliament, for example, you must first know what kind of commissions or omissions amount to good or bad conduct in relation to their status. This is stipulated in the Ministerial and Parliamentary Code of Conduct Act (No, 35 Of 1994).

The starting point would, therefore, be for you to get hold of a copy of the Act and peruse its contents to see if what is being alleged is in violation of the stipulations of the Act. If the allegations are that the city mayor is unilaterally awarding service contracts to favoured suppliers, do some background research on the workings of the council and the distribution of powers between the mayor, the town clerk, and the councillors individually and collectively.

Get a copy of the tender procedures involved in the awarding of council service and supply contracts and read it thoroughly to gain understanding. It may well be that the mayor is given discretion to award contracts up to a specified limit without the approval of a council meeting, which would mean the allegations are baseless. On the other hand, you may discover that, although the mayor has not exceeded the fixed ceiling in any single award, he has over a period of, say, one year, ordered several payments to the same supplier in phases, the cumulative total of which surpasses what he is otherwise individually authorised to approve.

You cannot plunge straight into an investigation of a road contractor's alleged shoddy or sub-standard workmanship without first looking at what was specified in the construction contract. Nor should you start a probe into suspicions of a medical doctor's unethical conduct without an idea of the professional code of conduct regulating practitioners in the medical field.

Without a clear understanding of what constitutes corruption, you may think you are investigating corruption and find out, half-way down the road that you are dealing, instead, with a case of misallocation of funds!



In the view of one experienced private investigator, laying the foundation for investigative work also calls for an understanding of organisational structure and group dynamics. Every human being lives within some form of group structure and his activities and behaviour are influenced by his interactions within the group. Therefore, to gain access to the potential source the investigator must do the following:

- (a) obtain a description of the total structure with respect to the major groups and sub-groups;
- (b) know the relations between the formal and informal structure;
- (c) know the power or influence patterns in the structure;
- (d) Learn the patterns and channels of communication and the accepted pathways to group goals.

The investigator must also consider the factors that will make the source co-operate. The motivational factors include:

- (a) Monetary influences: there are people who will provide information for cash;
- (b) Seeking personal favours: some people will give information in return for a personal favour of one kind or another;
- (c) Patriotism (good citizenship), sense of duty, morality, or religious belief;
- (d) Fear of something or someone;
- (e) Frustration, disaffection, or envy.

According to Namooobe (2001), the best sources are those in one form of need or other. These needs generally arise from human weaknesses. An investigator can exploit these human weaknesses and get a good source and useful information. In Namooobe's view, most human beings exhibit one or all of the following weaknesses:

- (a) *Strong emotional behaviour*: Some people react abnormally when subjected to certain external stimuli. This behaviour

manifests itself as extreme happiness or anger. In either case, hidden emotions are usually externalised and verbalised.

(b) *Megalomania*: Professional people and politicians hanker after recognition and will reveal their thoughts at every opportunity.

(c) *Flattery*: Females are very amenable to flattery. An honest compliment will be met with gratitude leading to the sharing of confidences.

(d) *Gossip*: This condition seems to be endemic in certain categories of people, especially blue collar office workers, messengers and drivers. A good listener can glean a lot of faults from gossip mongers.

The upshot of what we have presented above is that you are likely to have great difficulty dealing with obstacles on the way if you go head-long into an investigation without sufficient preparation by way of Backgrounding, knowing who is who and how people relate to one another in a group setting (group structure and dynamics), human motivational factors as well as needs, and how you can capitalise on them in your search for information. It is this sort of preparatory work which can help you in your source classification and in designing your source handling strategy before the full investigation kicks off and you start contacting individual persons.

## Documentary Sources

In the preceding chapter we gave a broad definition of the term document and made it clear that documents, especially original ones, literally capture or “document” facts and, therefore, represent reliable, unimpeachable sources of evidence.

A person's authentic signature on a letter or a cheque; the photograph of someone at a secret meeting of gangsters; someone's voice on a tape recording; a title deed; an air ticket showing the date, time and place of departure and destination; annual financial reports; court records; medical records; customs invoices; personal records such as identity cards, diaries, birth and death certificates: all these are records of activities or developments which can be presented as proof of what is being alleged and probed.

From government departments to corporate offices, NGOs, religious organisations, social clubs, trade unions, institutional libraries and resident multilateral organisations, there is no shortage of written or recorded information. It is just a question of knowing where to look, and who to ask for help in accessing the document.

A browse through a college or university library may yield basic information on history, politics, religion, commerce, industry, agriculture, etc. This is the kind of information which is useful for Backgrounding purposes.

In the absence of a Freedom Of Information (F.O.I.) Act, however, it is difficult to access restricted information in government departments and agencies. For any number of reasons, an official may deny you access to information and documentation. What to do? Try to find a reliable contact, an insider, who can both provide routine information and get you the documents you need.

Multi-lateral agencies and embassies of donor countries can provide you with details of contracts and agreements signed with the Zambian government because they want transparency and accountability in relation to the implementation of such agreements.

If all fails, there is a more feasible option: seek the help of a member of parliament (MP), local council, or other elected bodies. MPs and councillors probably have more direct access to official documents. Elected people's representatives enjoy certain privileges and can compel the production of even sensitive documents through raising questions in the legislature or local council for consideration in chamber debates or in committees. Either way, once they have the document, they may pass it on to you. This shows why it is important to have contacts and establish relations of trust with folks at all levels.

In a multi-party environment such as obtains in Zambia, you can take advantage of political rivalry to get information from ruling party members or members of the opposition, either of whom might provide documentary evidence with the motive of discrediting the other camp. And in a competitive business

environment, a private company source may not only confide to you about the unethical business practices of a rival enterprise but give you documents because it has an interest in discrediting the competitor.

An important point to remember, however, is that only in rare circumstances do records or documents on their own make a complete story – they need to be interpreted or explained and made meaningful with interviews and direct observations.

## **Surveillance / Direct Observation**

Surveillance, involving direct observation, is one of the best ways to get information. You become an eye-witness to an unfolding situation. Get out there and see for yourself what is happening. When you make first-hand observation you do not have to rely on second-hand accounts by other people.

Surveillance may consist of trailing the subjects of your investigation to see what they do. If you are investigating a police officer alleged to have connections with drug dealers, you may want to have him followed around to establish his lifestyle. You can see where he goes and what he does when off duty. With whom does he socialise, where, when, and how often? What does he do or discuss with his associates? Does he seem never short of money to buy drinks for himself and his circle of friends? Does he dress expensively? And what type of people does he fraternise with? Do they look like people in regular, well-paying jobs, or are they themselves the subject of scandalous gossip? Do they conduct themselves as decent and law-abiding citizens?

Surveillance may require setting up concealed cameras and microphones and remotely taking pictures or recording conversations in order to provide documentation for what you are observing. It may mean infiltration or participant-observation, in which you join and share in the exploits of your subjects and later report your findings. It may, indeed, involve hiding your identity, posing as someone else, and getting a job in order to get the story from the inside.

For example, you hear of persistent allegations of the cruel treatment suffered by Zambian security guards at the hands of

some foreign employers, and you sign up for a job as a guard in order to learn first-hand and expose the conditions under which they work. Or, as in this extreme example, you come alive to frequent complaints about the unprofessional conduct of nursing personnel abusing inmates at a mental asylum, and you manage to secure admission to the hospital as a patient for first hand experience!

When you use this method of fact-gathering be sure to pay meticulous attention to detail. Write down every significant thing you see. Who met whom? Where? At what time? What were they wearing? What did they do? What type of car(s) were they driving? Include car registration numbers and a clear description of the place and surrounding areas. Remember, you are documenting facts you will rely upon and which will be crucial when it comes to writing the story; they will not only enhance credibility but also make the story come alive and help the reader share your experience. In the event that the subject sues, you have documentation of specific details such as places, dates and times that he or she may find impossible to refute.

Undercover reporting often results in sensational stories that could not be done any other way. However, this kind of information-gathering technique is not without controversy. As we shall see later in the book, ethical questions arise when a reporter conceals his/her identity or, worse impersonates a public officer in order to gather material or compel information for a story, whether investigative or routine.

## **Human Sources**

Human sources may be developed over a long time in the case of a reporter covering a beat from which the issue being investigated has originated. A reporter assigned to a beat identifies people with whom to establish relationships of trust who can be relied upon to provide information the reporter needs for a story. These become the reporter's insider informants within a group, community, or organisation. As Fleeson (2000: p.8) notes, these contacts may include clerks in government offices, government officials, community leaders, lawyers, police officers, business representatives, firemen, friends - virtually anyone.

In other words, it helps to know a lot of people, and that means people across the social spectrum. The snobbish reporter who only wants to be seen with the high and mighty alienates himself from grass root sources that are a vital factor in the information-gathering process. Although some of them may never be quoted in a story, they can provide valuable leads and may act as sounding boards for on-going issues. For a reporter intending to pursue a story from outside the beat, however, sources will have to be developed from scratch. In any event, it is useful to classify them into expert sources, partisan sources, and human interest sources.

Experts are independent observers not directly affected by the issue but who are knowledgeable enough to be able to make valid general statements about it and give it a sound perspective. These may include university dons, lawyers, accounting experts and other professionals.

Partisan sources are people with a legitimate professional or vested interest in the outcome of the subject of investigation. Among them are political activists, NGOs, trade unions, and consumer associations. Quite often they may themselves have done or be doing research in the same subject area and are able to articulate the issue clearly.

Human interest sources are the people directly affected by the problem. These are the people whose personal experience is used as testimony of the consequences and impact of the problem being probed.

There are also peripheral or "off-beat" sources who may offer tips, identify where documents are located, or point in the direction of other potential sources.

## **The Approach**

The way you approach your sources will determine what kind of story you develop, or whether you get a story at all. The approach to a source depends on the nature of information being sought, and whether you have prior acquaintance with the source or not.

Before starting the probe, clear your mind of any preconceptions you may have and ensure that you are open-minded enough to follow the interview wherever it leads. Do not assume anything. This way you will be in a frame of mind to exercise sound judgment over the material you get from the source. Avoid becoming emotionally involved as this too may cloud your judgment and make you blind to the truth. Preconceptions and emotional involvement lead to bias. As a result, you may find yourself arbitrarily throwing out information that does not accord with your predetermined view and start distorting the facts to justify the emotional stance you have taken.

It is advisable to start an investigation with sources on the periphery to get the bits and pieces that will shape the skeleton of the story, which will raise questions that need to be put to the next level of sources. You should almost always never start with the main figure at the centre of the problem you are tackling. This type of source should be approached after you have built a case against them on the basis of facts obtained from others.

In dealing with sources it is absolutely crucial that you exercise strict self-control as well as control over the interview process. Self-control starts with your attitude and conduct towards the person you are contacting.

Avoid the temptation or tendency to take an aggressive or arrogant approach to show that you are knowledgeable and in command. After all, you would not be asking the source for information if you already knew what you were looking for! You will soon learn that people resent being subjected to abrasive, arrogant, and rough treatment even when they are in the wrong. You can be firm without being rude. It is easier to ask questions and get responses if your initial approach has been smooth, polite, and disarming.

Quite often you will find that people are unwilling to talk to reporters for fear of being misquoted. Others are scared just by the prospect of appearing in print or being mentioned on air. So, when you approach someone for information, what is the appropriate time for you to identify yourself as a reporter?

In a situation where you wish to question the person directly, intending to quote him by name, it is better to reveal your identity at once. It is only fair for the person to know who he or she is dealing with right from the start.

In other situations, for instance, where you are chatting naturally and casually, there is no need for immediate identification until you get to deeper and more personal questions. Then you may calmly switch gears by saying something like:

“By the way, I’m a reporter with the Oracle newspaper. I’m doing a story on this subject and I would like to talk with you a bit more about it.”

If you have already established rapport, such a comment will not be offensive, and it will not send the source scampering away.

In the expose’ where you are digging up highly uncomplimentary stuff, early identification is not necessary and can kill the story before it gets started. However, you will still have to make your identity known to the person before writing the story. Otherwise, they can deny ever talking to a reporter and put your credibility on the line.

When requesting someone for an interview, give only a general idea of the subject matter without revealing the finer details. If you want to interview a political candidate about allegations that his campaign is being funded by a fugitive drug baron and he wants to know the topic, you could say;

“Oh, I just want to discuss the problems of running a political campaign”,

Not

“I want to discuss the rumours going around concerning your campaign funding.”

If the interview is granted, have your questions and asking order decided in advance following a logical sequence. The questioning sequence may, of course, change during the actual interview, depending on the responses and prevailing circumstances at the time.



When you arrive and begin to talk, use what is known as the funnel approach and start with general, open-ended, easy questions, to allow the interviewee to acclimatise and warm up to the situation. This will help them relax and set up the interview atmosphere.

As the interview progresses and reaches the heart of the matter you resort to short questions delivered one at a time. Borrow the technique used by lawyers when cross-examining witnesses in court: each question is on a specific point and leads to the next.

In the above example of the political candidate, you could start with

“Mr. Zamuzamu, how much financial support are you getting from your party for your campaign?”

Let him ramble on about how the party is hard-strapped for cash and how individual candidates are having to fend for themselves. Then you can drop the bomb with;

“Have you received any funding from Fixit Chambachamba?”

And go on to confront him with the evidence.

Ask each individual source only those questions to which they might have first-hand answers. Ask them what they know and how they came to know about it. Ask them how they can verify what they are telling you. Do they have documentation? Do they know where you can get documentation? Do they know of other sources who can corroborate their story or provide additional information? Can they help you obtain a document?

Rephrase important questions and ask them at different stages of the interview, thus making the source repeat his answers to those questions in varying contexts. This will enable you to spot variations in his answers and query him about it.

Listen to the answers. Do not be so pre-occupied with asking your questions in the prepared order that you do not fully hear the replies. Listen attentively. You may not have a second chance to catch an evasive response, or something that needs clarification or elaboration.

Let your source talk. Encourage him by your “active” listening expressed through nodding, raising eyebrows, or murmurs like “o-oh?”, rather than a constant barrage of questions.

Control the tone and pace of the interview. Try to suppress or underplay any excitement you might feel at the revelations coming out. It might signal to the source that he is revealing too much and make him begin to give guarded responses to your questions.

If you are recording the interview using a hand-held microphone, do not, for any reason, let the interviewee hold the microphone. For one thing, it may disconcert him and distract his thought process. For another, having the microphone in his hand gives him control over the interview. He might go into a waffling, long-winded monologue until he feels ready to let you ask another question. Be sure to hold the microphone yourself. That is how you can ensure control over the interview.

You will thus be able to tilt the microphone back to yourself when you feel that the answer given is insufficient and it is time to ask a follow-up question. Keep the microphone in your hand to show you are the one calling the shots, not him. The ideal is for interviewer and interviewee to use separate microphones.

It is important to reach an understanding with sources about how material will to be attributed in the story.

There are occasions when sources are willing to talk but insist that it be “**off the record**”. Let them clarify the position. Sometimes this is not what they really mean, but since this is the only term they know, they use it when they actually mean that you can use the information without revealing that it came from them.

When information is given “off the record” it means that the reporter must not publish it or any leads arising from it. Sources skilled in dealing with the media sometimes use “off the record” comments to manipulate the situation.

What happens if you agree to go off the record with a source and then pick up the same information from another place or someone else? Get back to the first person and ask him to release

you from the pledge. Tell him you are going to use the information because the second source who has told you is probably telling other people. Negotiate to get as much information as you can **“on the record”**. This means that anything from the conversation may be used in part or in full, and clearly attributed to the source.

When dealing with a controversial issue, a source may be willing to comment but not wish to be bound by exact phrases. He or she may do so “for attribution but not quotation”. This allows you to use the information only in paraphrased form, but not in direct quotations, leaving you free to attribute it to “a well-informed source”, or “an inside source”, “an authoritative source”, etc.

There are other grounds on which sources may release information.

“Not for attribution”: You may use the material but only in such a way that you give no clue as to its source. You thus take the responsibility for the validity of the subject matter. The provider of the information is satisfied to release it without consequences to himself. But you must be careful that you are not told a lie which you then innocently repeat. Information like this must be corroborated or cross-checked with another source; otherwise, it is unreliable and should not be used.

“Background”: Occasionally, government sources will provide “background” sessions which are off the record. In a casual chat, the official will explain the circumstances surrounding some occurrence. He may, for example, say the city council has been unable to replace expired street light bulbs for two years because the money for the purpose was spent on buying the mayor a new car. Now you understand why your streets are dark at night, but you cannot report that because you agreed to go on *background*. Background situations are unproductive, unless they are only temporarily off the record and can be used at a later time.

“Deep background”: A source on deep background is not original and does not independently provide information. He merely explains or modifies what the reporter has already collected. You cannot attribute the information to him or identify him in the story.

Take advantage of interviews and ask your sources what they think of the other sources you have consulted in the course of your investigation. You may not include their opinion in the story, but this is a smart way to check the motives of your sources, their credibility, and independence and, in the case of “experts”, reputations they have in their respective fields.

Before you close the interview, ask them if they have anything more to say. They may have been waiting for you to ask them a question you haven't, and this will afford them the opportunity to tell you more. At the end, thank them for their time and tell them you may have to come back for clarification over one or two issues if the need arises. This way you are leaving the door open and they will not regard you as a pain in the neck if you should call on them again.

A Chicago police expert, Steve Rhoads, once addressed a journalists' workshop and suggested what he termed:

### **The Nine Rs of Interviewing**

1. **Receive.** Ask open-ended questions. Don't interrupt. Receive as much information as possible.
2. **Relieve.** Be understanding. Relieve anxiety by changing the subject.
3. **Reflect.** Have you got the details right? You want the other person's view, not your interpretation of it.
4. **Regress.** Ask “before that...” questions, not just “after that...?”
5. **Reconstruct.** Going back to the scene can help, if only in the mind.
6. **Research.** By this stage in the interview you should be on good enough terms to be able to ask the more stressful questions.
7. **Review.** Check the facts and quotes.
8. **Resolve.** Address any misunderstandings and discrepancies.
9. **Retire.** Give the other person a chance to add comments. Tell them how to contact you. End on a positive note.

(Spark, 1999: p.79)

From documents to human sources, the pile of information continues to expand. Step back and re-evaluate the project in the light of the material so far collected. Is the project still feasible? Is the information making sense? Does it indicate you are on track and making headway, or are you going round in circles? Is the story emerging, or is it still vague? If you do not like what you see, it is wise to drop the investigation and move on to something else. If you are satisfied that you are making progress, soldier on.

From interview to interview, the story should begin to take shape. One source blends into another or suggests further contacts. What you learn from an oral source tallies with documentary material. Documentary sources suggest further reading or verification by a human source, and so on.

If the purpose of the research thus far has been to gather facts to make a case against an individual villain, and you believe you have garnered sufficient material from oral and documentary sources, prepare to perform one last major task in the investigative process: getting the “other side” of the story from the target of the probe. The villain deserves a voice in the story even when there is overwhelming evidence assembled against him. If you are going to publish something unpleasant about a person, it is only decent, fair and right that the person gets an opportunity to tell his side of the story.

Regardless of the outcome, an interview with the target can be used later when producing or writing the story. Even when his response amounts to no more than a face-saving denial, this can be infused into the story as it allows you to fulfil the journalistic professional requirements of fairness and balance. Or, your target’s answer may include a sound and convincing explanation that was totally unexpected, in which case you have another opportunity to assess the credibility of the information you have gathered from other sources.

Typically, you will contact the target subject towards the end of the inquiry, so that you are prepared with questions to which you want answers, and you are ready to handle his challenges to your findings.

## Confronting the Target

Before you confront the principal character, determine what you want to get out of the interview. The confrontation interview is a kind of platform for you to review and confirm your investigative findings up to that stage. It represents an opportunity for a thorough review of every fact you intend to publish.

Get organised. It helps if you make a list of the most important questions you want to ask. Write single-word clues in your notebook to remind you of the major points you want to cover.

To arrange the interview, it may be necessary to reveal the purpose of your visit but, as we have noted earlier, you need not let the whole cat out of the bag. You could use phrases like;

“I’m doing some research on this subject and would like your input”,

Or

“I’ve assembled material for a story in which you are mentioned, and I would like to hear from you first-hand before publishing.”

When you arrive, present yourself as a neutral, courteous, inoffensive person, not as a combative interlocutor.

During the interview, sit upright facing the target. Maintain eye contact in a self-assured but non-threatening manner.

As with the other sources discussed earlier, open with a few soft questions to put the subject at ease. Ask open-ended questions that force him to think and reveal something about himself. Then move on to short, pointed questions requiring pin-point answers.

Avoid “double-barrelled” questions. Ask only one question at a time and listen carefully to the answers.

Watch the body language of your subject and pay attention to detail. You may see him frown, smile, stare into the ceiling, get nervous, or begin to sweat and reach for a handkerchief when you press him over something. This is all part of the interview atmosphere and it will help add colour to your story.

Rephrase in your own words the gist of the key points the interviewee has just explained to you and read them out to him to confirm your understanding of his statements;

“Mr. Tafumani, do I understand you as saying....?”

or

“Let me make sure that I’ve understood you correctly. Do you mean....?”

Whenever necessary, take the interviewee through his account chronologically to see if there are any gaps in the sequence;

“Let’s go back a moment. What happened first?” “Alright, what happened after that?”

Any discrepancy would suggest he is not coming clean on the issues and needs grilling.

Sometimes, if you are posing questions strictly following a pre-determined logical order, it is possible for the person being interviewed to guess your next question after hearing the direction of your questioning. It is, therefore, advisable to tactically change subject or direction for a while and suddenly come back to the critical question. This way, he will not have time to determine and rehearse his best response in advance.

When you get to sensitive and unpleasant issues, the interviewee may become uncomfortable and change character, assuming an intimidating or a manipulative posture. Disarm him by showing that you are on top of the issue and you know what you are talking about. When he denies a fact, hit him back with the evidence and ask him to explain what it means.

This is when the facts gathered prior to the confrontation interview come into play and put you in the driving seat;

“You say you have no dealings with the fugitive drug dealer Fixit Chambachamba? Fine.”

Then you pull out a photograph taken during a direct observation stint and show it to him.

“Now, if that is not Mr. Chambachamba, tell me the name of that person sharing whisky with you in this photograph taken on 20<sup>th</sup> of October at the Harare Sheraton hotel!”

The trick is factual detail. An investigative target will not offer much by way of argument when confronted by someone who can tell him precisely where he was and what he did on a specific day, at a specific place and time. He can fake an explanation, or say he will answer no more of your questions and show you the door, with the accompanying threat that, if any of what you have been “alleging” shows up in print or on the air, you will be hearing from his lawyers. But if your evidence is factual, you stand on solid ground and have a story to tell.

In investigative reporting you are invariably dealing mostly with people who are reluctant to talk or provide documentation. This is a major obstacle to fact-gathering, and you must do your utmost to surmount it. Fall back on some of those motivational factors mentioned earlier in this chapter and try to apply them.

With some reluctant sources, sympathy or, even better, empathy, may yield answers. You may, for instance, point out to them that if they reveal the truth, other people will understand and eventually forgive what happened. In some cases, you may persuade sources that their explanations are less damaging than insinuations being drawn from incomplete knowledge. Where the source is not personally involved in the wrong-doing, you can appeal to his sense of honesty, patriotism, altruism, morality, civic outrage, or to the desire to disassociate himself from the problem.

Where the information sought is so sensitive and the people involved are so dangerous that the source's life would be in jeopardy if he was found out, it is prudent to promise protection by hiding his identity. And keep the pledge. Don't tell anyone, not even your fellow reporters.

If your request for an interview is completely denied, you might try “laundering” your call: get someone else to ask the questions for you, someone to whom the source is willing to talk. Even though such second-hand information cannot be directly



attributed, it may still corroborate another source, or suggest a possible alternative approach.

What you learn from investigative reporting is that when it comes to human sources, persistence is the most important factor. If someone refuses to talk to you on first request, try again later. And again. And again. Do not give up at first attempt. As Fleeson (2000: p.15) notes, you may have to make repeated telephone calls to arrange an interview, send registered letters, or even show up on their doorstep. Even after they have reluctantly given you audience once, do not hesitate to approach them again for elaboration, or clarification on some point. Relentlessly try to locate and contact everybody who might know something.

There is no alternative to perseverance in this business. Indeed, persistence is the defining characteristic of an investigative journalist. Tom Bower's biographies of Robert Maxwell and Tiny Rowland each involved interviewing about 350 people, many of whom were not sitting by a telephone waiting to be called (Spark, 1999: p.10). Bower is said to have telephoned one man a hundred times!

We will conclude this chapter with a few reminders from Fred Olmstead, ex-city editor of the *Detroit Free Press*. His observations (Charnley, 1966: pp.283-284) constitute a useful checklist:

## Checklist

- (1) Don't overlook a tip from any source. Some of the best leads may come from unpromising tips. Many, perhaps most, won't pan out. But don't overlook any possibilities.
- (2) Keep your interest and enthusiasm alive and focused on the problem.
- (3) Stay within the law. Don't attempt to open safes or burglarise offices for evidence.
- (4) Don't be a policeman. Remember, you represent a news medium, and you have a better weapon than a nightstick or a gun. If a policeman isn't doing his job, you don't take it over.

- (5) Don't scatter your shots. Select your best lead and pursue it. You can get bogged down in diversionary actions.
- (6) Don't be afraid to abandon a lead – or an investigation. But don't do it until you're convinced you're on the wrong track.
- (7) Don't be afraid to tell what you know. If you print it, more leads will come your way.
- (8) Think what you *can* do to get the story out, not what you *can't* do, because of libel or other obstacles. A positive-thinking lawyer will help you say more, not less – and still keep clear of libel.
- (9) Take time out and appraise your situation once in a while. Take a good look at what you have done as a guide to where you should go. Adding things up from time to time may give you a new answer.
- (10) Make plans before you start. Don't leap into it. Check the evidence and keep checking it as you go along. Keep up your lines of communication with those working with you. See that you maintain communication with each other (and with your superiors).
- (11) Keep going. The investigative way is hard, but don't stop if you think you have something. If your curiosity is burning you as it should, you won't.

## Chapter 7: Investigating and Reporting Corruption

The methods used in information-gathering for all investigative stories apply with equal force to stories about corruption. However, corruption in Zambia has become so endemic, and its impact so devastating, that there is mounting public concern about the scourge, with the media being increasingly called upon to devote more time and space to investigative stories on corruption than they have hitherto done. This chapter is written in recognition of these concerns. Its purpose is to throw light on the kinds of situations that ought to trigger suspicions of corruption and send investigative reporters on the trail.

In March, 2003, a young Zambian man committed suicide in Port Elizabeth in the Eastern Cape Province, South Africa by jumping out of a window on the fourth floor of a building. He had tried to kill himself before and had failed, but this second time around, he succeeded.

Why did he do it? If he had left a suicide note behind, the South African Police Service would have been able to explain the reason behind his death. But he had left no note, so in effect, all we can do is piece together a reason based on what we know of the facts. And what are the facts?

Before this man went to South Africa to study at the University of Port Elizabeth, he had worked for the Auditor-General's Department. But his standard of living was not commensurate with his income, prompting an investigation into his affairs by the Task Force, which cleared him. However, the Task Force seized his wife's passport to prevent her from fleeing when he left for South Africa.

His wife remained to handle the family business. Although the business was not high-profile, it was the kind that gets tongue-wagging, especially if the man in question is in his 30s, works for a government department and owns a fleet of almost 50 taxis, two filling stations and three houses in Lusaka, and drives a Mercedes Benz which he services regularly in South Africa. You

ask yourself: how could a man so young, employed by a poorly-paying employer, acquire so much money so quickly? How had he made his money?

The man made his money by landing a number of lucrative supply contracts. For instance, he secured a tender to supply the University Teaching Hospital with mortuary refrigerators a few years ago. Then he got a contract to supply the Ministry of Education with desks for schools across the country. The question is: How could a government employee who owned companies that existed only on paper manage to win such big contracts worth millions of dollars?

Before the young man took his own life, he confided in some friends and family members that the Task Force was still on his case and that there were people, including police officers, following him, even in Port Elizabeth in South Africa, where he lived. Was he paranoid? Was he suffering from delusion? Were there really people following him or was he being haunted by his own shadow? It is hard to tell, and the truth may never come to be known. But whatever it was must have frightened him to the point of no return. His suicide begs many questions:

Could he have been a front for someone or some people bigger and more powerful than he was? If so, who are these people? What dark secrets had died with him? Questions and more questions, but sadly, no answers.

We have deliberately presented the introduction this way in order to provide an analytical framework to illustrate the whys and wherefores of Investigative Journalism as it relates, in this particular case, to corruption and corrupt practices.

It is not possible for journalists to successfully investigate corruption if they have no idea about the workings of institutions where corrupt practices occur, whether these be government or non-governmental, private or public, national or international. Nor can they investigate corruption without knowledge of the ground rules, regulations, laws, procedures and norms that define and/or govern, or should define and/or govern, institutional behaviour. If journalists do not understand how things work, should work and why, they will not know when there have been

infringements of the rules and when corrupt practices take place, what form these practices take, who perpetrates them, and how.

It also is imperative for journalists to know the roles, responsibilities and areas of authority of the major players in organisations. For senior civil servants, the General Orders defines areas of operation as well as spheres of authority. Familiarity with the General Orders helps the journalist know when a senior official has over-stepped his authority. By the same token, the Republican President's areas of authority are spelt out by the Republican Constitution.

In the same breath, there can be no real culture of investigative journalism or investigative reporting if journalists do not know how to make deductions based on facts and information in hand (such as the type described above) in order to theorise and hypothesise, to join seemingly isolated and unrelated dots in order to establish the full picture of what is, and what happened.

All in all, journalists ought to have a working knowledge of:

- (a) how things work;
- (b) how things ought to work;
- (c) who the major institutional players are;
- (d) the major players' roles, responsibilities and areas of authority;
- (e) what the chain of command is;
- (f) what the chain of command should be and why

On the basis of this knowledge, they can be able to establish when things are not what they should be, when rules and regulations have been broken, and when areas of authority have been over-stepped, to what extent, and to what effect.

All this is the object of investigative journalism. Sadly, however, this is missing from local media coverage. Why? Although today, following government's decision to probe and prosecute former President Frederick Chiluba and his cronies, everybody is talking about economic plunder and baying for the blood of those accused of plundering national resources, it is fair to state that

journalists still do not understand how national resources are appropriated and accounted for, and which particular systems and practices were subverted in order to facilitate the alleged plunder.

In the following paragraphs, an attempt will be made to explain the points of view and the issues raised above against the backdrop of actual journalistic practice, by drawing attention to developments we can all identify with and relate to, developments that were widely reported by the local media.

## **Knowing How Things Work**

### **Developing the Knowledge and Informational Capacity**

It is common knowledge that somewhere in the greater city of Lusaka there is a ZNTB. In fact, there are two ZNTBs. One is the Zambia National Tourist Board, located next to Shoprite off Cairo Road, and the other is the Zambia National Tender Board which is situated in Kulima House. It is this latter ZNTB that we are here concerned with. As an institution, it exists through an Act of Parliament and has the national mandate to oversee tendering procedures in the acquisition of goods and services on behalf of government, as well as state-owned companies and public corporations. ZNTB has laid-down procedures to be followed, criteria and requisites that have to be met by companies wishing to bid for contracts for the supply of goods and services.

If, for instance, the University Teaching Hospital Management Board which falls under the Ministry of Health decided that the time had come for it to acquire new fridges for its mortuary; it would announce its intention publicly and invite tenders from reputable companies and agencies with the technical capacity to submit bids by a certain date. Regulations require that a company profile and portfolio be submitted with the cost of meeting the contract.

Thus, it should be possible for the Tender Board to know a lot about the capacity of the companies in question once, in the interest of transparency, the tenders have been publicly opened in the presence of those who submitted them. On paper, therefore, it should not be possible for a briefcase company with no premises and no profile to win a tender to supply the country's

largest and only teaching hospital with mortuary refrigerators. But it happened. So, we may ask: at which point did this happen? How exactly did it happen? What institutional and structural weaknesses within the tender procuring process make this sort of thing possible?

When reading the local newspapers, a reporter should try to read everything, including death notices and advertisements. It is in the advertising columns of the daily press that invitations to tender are announced. A reporter should take a much keener interest in the Tender Board, its activities, what is tendered, who wins what tender, how they win, and whether those who win tenders actually have the capacity to deliver. It is possible to establish a profile of the kind of bidder most likely to win a tender. It would be interesting to know, for instance, whether the incomes of those at the helm of affairs at the Tender Board are commensurate with their living standards.

As we have stated in the introduction, it is important for journalists to understand how national as well as international organisations where corrupt practices take place operate. On April 16, 2003, the *Post* carried a story about Johannes Sittard, the Chief Executive of J&W, the financial concern that was poised to take over Roan Antelope Mining Corporation (RAMCOZ) in Luanshya. Headlined *J&W boss in \$100m bribe*, the report stated that the above-mentioned chief executive had the previous year admitted having paid US\$100million to an intermediary for steel tycoon Lakshmi Mittal to acquire a steel plant in Kazakhstan.

Apparently, he had made the admission on a BBC TV programme on July 24, 2002, when he was working for Ispat International which was owned by Mittal. The company took over a huge but outmoded steel plant in Kazakhstan in 1995 which had been privatised for almost US\$300 million. Sittard said the money was paid over a three-to-four year period to members of the Chodiev Group "because it was important to get help with local authorities and the tax issues". Now Sittard's former boss, Mittal, was at the centre of a row in Britain in 2002 about a £125,000 donation he had made to Tony Blair's Labour Party in exchange for a letter of support the British Prime Minister wrote to the Romanian leader where he was negotiating to buy another steel plant.

This example might seem irrelevant and somewhat removed from the local Zambian experience. But it is cited to illustrate that unless journalists know the rules by which the game of privatisation is played and get to understand that backroom deals are likely to take place in situations where there is money to be made, they will lose numerous opportunities for investigative journalism.

As things turned out, there was a big furore about the suitability of J&W as the new owners of RAMCOZ and why the Zambian Government was insistent on selling the mines to a company whose pedigree in the copper mining industry people were unsure of, especially after the Binani fiasco.

In March, 2003, Anglovaal Mining Corporation (AVMIN) took a full-page advert in the *Post* to complain that after the Zambian Government had informed it that it was the preferred bidder for RAMCOZ and scheduled a date for signing a Memorandum of Understanding, it had heard nothing more until it read in the local press that J&W had been chosen instead.

In spite of Information Minister Newstead Zimba's attempts to allay public concerns about the sale of RAMCOZ to J&W following his announcement that Government had signed a Memorandum of Understanding with the company in question, public fears and questions persisted. On Good Friday, 18 April, 2003, the *Post* published a letter to the Editor from the Information Officer of Transparency International Zambia, Saul Banda, Jr., which read in part:

In our press statement of March 19, 2003, we expressed serious concern on the sale of RAMCOZ to J & W which has caused a lot of anxiety in the nation. We joined other concerned organisations and citizens in calling for official disclosure from government regarding the criteria used in arriving at the decision to sell the mine to J&W. In the interests of transparency and accountability, we requested Government to make public the company profile of J&W and what future plans the company has for the mine. It was on the assumption that we felt the public will then be able to contrast this information with what other bidders offered,



ultimately putting to rest suspicions surrounding the whole saga.

As Banda, Jr., observed, the fight against corruption requires a lot of information and “it is on the basis of information collected through research that the organisation then embarks on its advocacy and lobby strategy”.

As stated earlier, it is imperative for journalists to know how things work and why, because when things are not working as they should, it becomes obvious to them and they have a basis for beginning an investigation. Similarly, if reporters know who does what and where their powers and areas of authority start and end, they will immediately know when the officers in question have over-stepped their bounds.

Here is a case in point. The Anti-Corruption Commission (ACC) spokesperson, Sibalwa Mwaanga, announced that the Commission had concluded a preliminary investigation into the President's Special Assistant for Press and Public Relations, Arthur Yoyo, receiving almost K180 million from the *Times* of Zambia while serving as Permanent Secretary for the Ministry of Information and Broadcasting Services. Incidentally, the case of the transaction between Mr. Yoyo and the paper was contained in a confidential special audit report on Times-Printpak for the financial year ending 31 March 2002. According to the report, there were no supporting documents for the payment vouchers for the amounts of K61million and \$15,000 he was alleged to have received. This issue brings a number of questions to mind:

Under what circumstances can a Permanent Secretary from a Ministry draw money from institutions that are supposed to be run by their own boards and which have their own chief executive officers? Was that within his powers, as defined by government regulations and by the General Orders, or was he over-stepping his authority? In such a situation, who has the power to approve payment, especially where there are no supporting documents to specify what the money is for?

Answers to these questions will illustrate why it is important for working journalists to have knowledge of organisational

procedures, particularly those which have to do with the disbursement and management of funds.

While we are on the subject of procedures and areas of authority, let us draw attention to another case which at press time was still in the public eye and before the courts. It is the case of abuse of office and mismanagement of funds at the Presidential Housing Initiative (PHI) involving its chief executive, Richard Sakala. The case of PHI begs several questions which journalists should have asked themselves long before the whole thing degenerated into a sordid scandal. Instead, journalists, especially those from the government-owned media sang the praises of the former Republican President, Frederick Chiluba, and extolled the perceived virtues of the said housing initiative.

The following questions and issues are worth pondering:

- According to the Republican Constitution, which spells out the roles, responsibilities as well as areas of authority and operation of the Republican President, is the provision of housing in Zambia a presidential responsibility?
- How could PHI have been described as an “initiative” when there already existed a parastatal company, the National Housing Authority (NHA), established by an Act of Parliament and mandated by government to provide housing for sale and for rent for the people of Zambia, as well as a parastatal financing company, also established by an Act of Parliament, the Zambia National Building Society, set up to provide housing finance, loans and mortgages to Zambians wishing to procure housing units? According to the Longman Dictionary of Contemporary English, “initiative” is defined as “the ability to make decisions and to take action without asking for the help or advice of others”.
- If PHI was not an initiative in the real sense of the word and was as unconstitutional as it was illegal and, in establishing it, the President had arbitrarily created a parallel company, how did Parliament allocate scarce public resources towards its funding? Why? Where did the money for PHI come from? Who should be held accountable for this situation?

These are the sort of questions the media should have asked when PHI was established. But they didn't. The problem is, normal journalistic practice in Zambia is reactive, NOT proactive. Journalists are required to cover Ministers, NOT Ministries; they cover the President, NOT the Presidency. In the main, the focus of editorial activity is what individual leaders say and do.

Consider this also: At the start of every year, we have the ceremonial opening of Parliament by the President. In his speech, he outlines what capital projects, policies and pieces of legislation the government intends to embark on. A few weeks after the ceremonial opening of Parliament, the Minister of Finance presents the National Budget. The Budget Speech is extensively reported by the local media. The Economics Association of Zambia and a host of other professional associations hold discussions to analyse it.

Arguably, all these people, including journalists, miss the point, because they analyse and report the budget in isolation. This makes it very difficult for the ordinary citizen to have any idea how public resources are disbursed and accounted for. It would be more appropriate for journalists to report the National Budget from the point of view of the Auditor-General's reports of the previous financial year and the years before then, as well as from the perspective of the reports submitted to the National Assembly by the Public Accounts Committee. That way, journalists can establish how public money is spent and to which particular areas the misappropriation of public funds is directed.

At the risk of over-repetition, the point being made is this: knowledge and understanding of processes are, or should be, the main ingredients for investigative journalism. This, coupled with the curiosity and the nose for news journalists are required to have, can make a significant difference in reporting corruption and informing public opinion about corruption and corrupt practices.

A final example. In November, 2002, a group of journalists travelled to the Southern Province to establish and report on the extent of famine there. What they found in the districts and villages they visited was distressing. In one particular area in the Dundumwezi Constituency of Kalomo District, they discovered

that villagers had not received food rations for one and a half months. They visited the distribution centre on 16 November; the day maize was being given out. On checking the ration cards of villagers at random, it was found that they had last received food on 3 September. They also discovered that all the food relief committees in the districts of the Southern Province were headed by political appointees called District Administrators, or DAs. So it came as no surprise when during an interview with the then Provincial Minister, George Mpombo, he said that the political opposition was exaggerating the hunger situation in his province.

Now, as a matter of policy, relief food distribution in Zambia is coordinated through a government office, not a political office. The relevant office, the Disaster Management Unit of the Office of the Vice-President, is funded through taxpayers' money and works with relief agencies such as the World Food Programme (WFP), World Vision, Care International, Oxfam, among others. Putting political party functionaries in charge of food distribution in places where starvation is endemic is a sure way of politicising the problem and making it possible for the party in power to use food as a weapon. This is how corrupt practices are institutionalised. These are the kinds of issues journalists are expected to raise in their reportage because, in the long run, it helps expose corruption or the kind of environment that gives rise to it.

## **Research and the Problem of Sourcing**

Research and investigation are painstaking activities but they are the cornerstones of meaningful journalistic activity. A casual perusal of the local media will reveal that their content is lacking in detailed research; where it exists, it is superficial.

More often than not, the reason journalists cite for not being thorough in their research is that sources are not co-operative. While it is true that, generally speaking, sources who have access to the kind of information journalists require are not very forthcoming, the major problem seems to be that media practitioners are often not aware of what informational resources exist to help them in their work. In the account above, we have cited the Auditor-General's and the Public Accounts Committee

reports, both of which are public-access documents but which are seldom referred to extensively, let alone reported intensively. Which prompts the question: If journalists are not going to use information that is readily available, what guarantee is there that they will go out of their way to lay hands on information that isn't?

It is pertinent to point out that the rudiments of working journalism that have to do with establishing and maintaining contacts with sources close to news apply as much to the investigation of corruption as to other journalistic endeavours. Having a professional relationship with people in institutional sources of news is an advantage for any working journalist.

It doesn't matter if the people in question are not prepared to speak on record; you can always rely on them for background information on what is happening. Once you know what is happening, you can take issue with those who have the institutional authority to speak on record. Ponder this illustrative account by a *Post* columnist:

"I left Evelyn Hone College several years ago, but I still maintain close links with colleagues there. Not only that. At any given time, I know what is going on there. Which was why in 2002, when about 100 members of staff were threatened with dismissal by the Principal, they turned to me for help in my capacity as a newspaper columnist? The bone of contention was that the Evelyn Hone College Management Board was milking the College account dry with numerous board meetings while claiming there was no money to pay lecturers. Furthermore, there were allegations of insider trading that were being levelled against senior staff members in the College administration.

For instance, the Principal had been accused of sanctioning a consultancy to be done for the College and handing it over to a relative and partner in a consultancy firm they both run. The Human Resources Manager had a supply contract to provide stationery to the College. When I received documentary evidence of such goings-on through staff members who managed to get it from others in the Accounts Department, I was able to ask the Principal about it when I

interviewed him. But before I could chat with him, the Human Resources Manager had resigned in a hurry.”

The tried and tested methods of fact-finding still serve as well and should not be ignored. Admittedly, getting information where those in authority have things to hide is very difficult, but that is an occupational hazard journalists have to accept. That is what makes research necessary. Research should be systematic, following the sequence of legwork, library research and background reading (including internet-based research), and interviews.

Legwork gives working journalists an opportunity to see, hear and experience at first hand the events and developments they want to research and investigate.

For instance, when people say some ZRA officials manning border posts take bribes in order to let people through without charging them duty, how can you prove it? Well, to begin with, let us say that ZRA officers are relatively well-paid, but not so highly-paid that an officer can buy a plot of land, build a house and buy a car in a year, all from his or her own resources. So when you see things like that happening, you should become suspicious enough to dig up facts. And facts, in this case, can be anything from salary scales to perks and allowances of officers in different grades.

In short, you can easily establish how much a person earns and how much in allowances s/he can accrue in any given month. Place that against the backdrop of his or her standard of living and you can conclude that either s/he is spending more than s/he earns or has alternative sources of income. At this point, you may not have what the Americans call a smoking gun, the cast-iron evidence that s/he has been accepting bribes. But you will have something to go on.

Background reading, library research and internet searches make it possible for you to find the documentation to give you some factual and quotable accounts about what you are looking for. This will include case records, newspaper cuttings, judgements, statistics - any printed material that will inform the research

process and make the third and final element, the interview, easier to handle.

Interviews work best when the interviewer has sufficient information about issues and is thus able to engage in an informed discussion with interviewees who are close to sources of news or are themselves sources of news. It is when journalists do not know what they are talking about that interviewees get to take them for a ride.

This takes us back to the issue raised earlier, that if journalists understand how things work, they will be sufficiently empowered to take on human sources. Here was a situation where the State House spokesman, the embattled Arthur Yoyo, was reported by the *Post* as hiding behind the excuse that he had not seen the Times-Printpak audit report, which documented that he had received money from the company, so he could not confirm whether he had got the money or not!

It is a known fact, for instance, that various grades of signatories in commercial banks have the power to authorise the payment of money up to a certain amount, but it is also true that the Managing Director of the Zambia National Commercial Bank does not have the power to authorise the payment of K3billion to the Republican President. So when he does, it ought to be clear that he has over-stepped his authority and should be subject to investigation.

In conclusion, it is important to point out, for the umpteenth time, that in investigating and reporting corruption, the most powerful weapon in the journalist's arsenal is knowledge and information. And to acquire it, there is no substitute for dogged legwork, relentless commitment to library research and background reading (including internet-based research), and informed interviews with sources. This is true for all investigative stories, including those on corruption.

*This chapter first appeared as a paper presented at an Anti-Corruption Commission Workshop in April, 2003 by Edem Djokotoe. It has been adapted, abridged and reproduced here with permission from the author.*

## Chapter 8: Producing the Story

After days, weeks, or months of painstaking work, you wind up with a pile of information. But the story is still waiting to be told or presented to the public. It is now time to sift through the pile to pick out the gems to use in the construction of a story that will command the attention of audiences. You have to face the fact that only a small portion of the information you have amassed will be used in the final product. The rest has to be discarded or stashed away in a file.

It is a tough decision to not use valuable material obtained at great cost and to which you have become emotionally attached as a result. Nevertheless, as hard as it is, the decision has to be made. This requires stepping back and judging the material in a detached manner and then organising it to write a story that is both meaningful and understandable.

The production of an investigative story is a step-by-step process involving important decisions along the way. The first step is to determine the story's theme and angle.

### Theme and Angle

Decide precisely what the story is about, i.e., what you are going to tell the audience. For example, if your investigation of a Pensions agency has revealed gross inefficiency in its operations and also that the institution's director does not have the requisite qualifications for the job, you have an issue to resolve; is the story going to be a profile of a boss unfit for his position?

Will this be a story about how incompetently and inefficiently run the agency is? Or, will the story deal with both the facts that the pensions body is operating inefficiently because it is run by a man who is incompetent because he lacks skills and qualifications for the job?

The theme often becomes apparent around the stage of story conceptualisation, and the angle will usually suggest itself during the fact-gathering exercise.



## **Usable Material**

With the theme in mind and the angle established as you close out the investigation, the next task is to subject the information to a winnowing process to select only those facts and incidences that make the point of the story clear. The rest of the material collected is superfluous and must be left out. This is, of course, a painful exercise, considering the time and effort invested in the whole undertaking. It is equivalent to a sacrifice which must, nevertheless, be made.

To get round the problem of story organisation and emotional attachment, some media organisations turn to team effort. A colleague or two may be assigned to help in the evidence-winnowing exercise to ensure that, given the thrust of the investigation, only those facts that make a solid case are selected for inclusion. Almost certainly, your editor or sub-editor will come in at this stage and go over the material with you. Do not resent this as unnecessary intrusion because, now, the project has reached a critical point, and collective wisdom is better than single-minded judgment.

The validity of the evidence and its dramatic value are two criteria used in the selection of material that will go into the story. The choice is thus based on the most vivid cases supporting the storyline, and the facts that help to make a solid case. Those facts and cases left out of the story need not be cast into the waste bin; they can be stored away for possible use in future.

## **Lining up the Facts**

After the winnowing process described above, the facts and information selected for inclusion in the story must then be arranged to form some kind of outline. They must, in a sense, be “lined up” for scrutiny to see how and where they fit in the framework and progression of the story.

Up to this point, perhaps, you still do not know what is missing from the mountain of information collected. By laying out all the relevant facts, you can spot the gaps in the data as well as the

missing links in the flow of the story and the transition from one sub-theme to another.

Certain facts standing by themselves might raise questions that would suggest more research for missing facts. Further inquiry might be necessary to find other bits and pieces that will contribute to the story and make it more meaningful, more balanced, and more complete. An outline and scrutiny of the facts might, for instance, reveal that while oral and documentary evidence and the villains' reactions are sufficiently presented, the victims' accounts are missing, which would suggest a review of the selected material, or interviews with the victims for their account to be included in the story for purposes of achieving fairness and balance. The lead and supporting paragraphs may already be formed in your head, but you look for the fact or facts needed to support that lead.

Scrutiny of the facts at this stage is crucial. It can determine the life or death of the story, especially if it is found that the facts assembled do not support the original thesis and you feel you have reached a wrong conclusion. One way to catch errors is to constantly recheck material: one record against another; one person's account against another's; records and people against each other. Have a few checkpoints to use in weighing your evidence. Bolch and Miller's standard is in the form of questions:

- (1) Hypothetically, could I go into court and use my facts to convince a jury "beyond a reasonable doubt"? Maybe I don't have all the holes filled, but can I admit they exist without substantially weakening my main points?
- (2) Am I able to write this story in a straightforward manner? Or am I relying on rhetoric to convince the reader? If so, the facts themselves are too flimsy.
- (3) Would I be embarrassed if I had to reveal the names and extent of my sources? Although I am willing where necessary to protect sources, am I confident that the sources are truly reliable where I credit them with being so? Have I asked people on all sides of the issue for comment? Do I say "many" when I mean two or three?

Do I use the word “survey” when actually I checked with a couple of contacts?

- (4) Do I have to scour my notes for a quote which I can contort into meaning what I want it to?

If you answer these questions candidly and find the answers are not satisfactory, then re-examine the situation before going ahead to write the story (Bolch and Miller, 1978: p.95).

## Format

Format deals with the form the story will take and therefore refers to story packaging. A big story can be packaged dramatically in a way that also helps you organise the material. Packaging can enhance readability and presentation. You might find these tips useful (Fleeson, op.cit.: 16):

- Organise reporting and writing into case studies of separate incidents. In a story about police abuse, for instance, 12 incidents of abuse are reported and written, one story at a time. They can be presented all together in one large report, with a simple organisation: a summary introduction, followed by documented cases.
- Consider an occasional series, particularly if publication pressures prevent you from saving your material until it can be presented in one big story. In this format, stories are presented as they are finished over a period of several weeks or months. A logo signature for each of the stories alerts readers to the common theme.
- Consider breaking out sidebar stories, charts, maps and other graphic presentations, such as chronologies of important dates in the story, or a list of main characters.
- Share documentation with the reader. Original letters, photographs, transcripts or other documents can be exciting visual aids and also enhance credibility.

Depending on circumstances and the nature of the material at hand, you must decide whether the story will be written as a

straight news story, a news feature, or a sidebar, also known as a vignette feature.

### (1) Straight news story

An investigative piece written in this format acquires the tone and style of the ordinary news story, the exception being that, instead of the story being attributed to an outside source or agency, it is attributed to the publishing medium.

An example is,

“Investigations by this paper have revealed...,”

followed by citation of individual persons or documents as attribution for specific details in the story.

### (2) News feature

In the news feature format, the tone of writing is as heavily narrative and descriptive as in conventional story-telling:

“It used to be that if you reached retirement age, you could expect to get your retirement cheque immediately you stopped work. Not anymore. Because the pensions authority isn't running the way it was just a few years ago. Although a state-of-the-art computer system was installed three years ago, people who should be getting cheques aren't getting them, and others are still able to cheat the system....”

A feature can be written as a series, or as a one-off article, and may include some light editorial expression which is not allowed in the straight news story.

### (3) Sidebar/vignette

This is a small feature centred on a specific incident or character in the investigation run as an accompaniment to a feature, or as a stand-alone, spin-off article. Where the major story deals with a grave situation, for example, a vignette can be written in a light-hearted manner, which gives you some licence for creativity.

## Tone

The tone is the “mood” or “feel” of the story. Is it passionate or sober? Is the writer angry or calm? Is the story emotional or rational? The tone of the story is set by the choice of words used and the writing style used, whether formal or informal.

It is a rare reporter who will consciously plan the tone of the story. In the normal run of things, the reporter will instinctively adapt his/her style writing style to the message of the story in the same way a speaker adjusts the tone of his/her voice when changing from one subject to another.

A story dealing with a serious case of villainy and victimisation obviously calls for a tone that appropriately matches the gravity of the message being conveyed. In a case like this, there can be no room for ambiguity. Take license and use “loaded” language to characterise the wrongdoing. Paint the drama with carefully selected phrases and adjectives. Juxtapose villainy with victimisation in order to show the causal links and allow the audience to see who is to blame for whatever happened. This way, investigative targets become life-sized “villains” while their accusers are depicted as “innocent victims”, “expert witnesses” or “unimpeachable sources.”

Let all sides to the story have their say. Give the villains their chance also but, typically, only later in the story after laying out a barrage of charges, so that their responses and comments sound hollow, superficial, and defensive. Even their more credible denials should be followed by more evidence that soundly undermines and refutes them. Do not let villains have the last word unless they are admitting guilt.

Remember, though, that not all investigative stories should be shrill or accusatory, or tinted with sarcasm. Do not sensationalise just for the sake of inciting public outrage. In the heat of the moment, keep your composure. Do not forget that, as a reporter, your role is to present a case based on facts and not to allow your personal feelings and opinion to creep into the story.

## Drafting the Story

When the facts of the story are well organised, your task is to present them fairly and without editorial comment. Judgment is for the reader to render. Your goal should be to convey the facts in a smooth and fluid manner. Fluid story flow is the result of a proper choice of format, tone, and relevant material.

In stating the facts, be sure to **attribute** them to a source so that readers know where they came from:

“According to the Central Statistical Office...,” or

“A check through records at the Lands Ministry revealed that...,” or,

“Witness so-and-so says...,” etc.

Since as a reporter you cannot be a hundred percent certain as to the credibility and reliability of a human source or document (with the possible exception of sworn official statements or documents, such as court records), you must make attribution and let the readers decide for themselves. In this way, you place the burden of proof on the source or document itself. Attribution also assures the reader that the story is well researched and not fabricated by the reporter.

You may have to make several drafts before a final version is approved. Your editor will almost certainly want to go through the draft with you to check and cross-check the facts and any questionable statements. If things do not quite add up, you may be asked to dig a little more. Or, where it is clear that you have failed to make a case, the story will be killed.

It is, therefore, advisable to make last-minute re-confirmations of critical facts with sources, go over the statistics, and check your original notes and documents to make absolutely sure that you have the story nailed down.

Only then will the story pass your editor's test and be cleared for publication.

## **Follow-up**

A major story will invariably have post-publication impact. People adversely named may issue public denials and fiercely challenge you and your media house. Policy makers may react in various ways to the revelations made. New sources may come out and allege more wrong-doing. Civil society may take to the streets in a rage demanding action.

As the story plays out in the public arena, it can trigger a series of reactions which may themselves be legitimate subjects of coverage by media other than the publisher of the original story. In such a case, you have what is known as a proprietary interest in continued coverage of the ramifications of your story until it is overtaken by other issues and finally dies down.

## Chapter 9: The Ethical Dimension

The fall of Richard Nixon from what some believe to be the world's most powerful political office, that of President of the United States of America, in the wake of the Watergate scandal, attests to the power of the media in general and investigative reporting in particular. The positive remedial action taken by authorities after the investigative efforts cited in the introduction segment of this book, serve as proof of the benefits that can accrue to society when the power of investigative reporting is used for a noble purpose.

But power is a double-edged sword which can be used with equal force for good or for evil, for the right or wrong motives, and for constructive or destructive purposes. Reporters, their editors and media owners left to their own devices may use the power of the instruments in their hands for the purpose of waging personal battles and vendettas against those with whom they have an axe to grind. Such use of media power for selfish motives runs counter to the belief that the media exist to serve the public interest.

Since time immemorial, many have voiced the need for the media to be placed under some kind of control to ensure that they operate for the general good and within the dictates of public taste and morality. Wary of the power of the media, governments world-wide have sought to restrain and regulate them through various statutes commonly known as media laws. But it has often been argued that such laws limit media freedom and generally tend to work in favour of the powerful at the expense of the less-privileged members of society.

The ideal, therefore, is self-regulation by the media through the formulation of and strict adherence to a set of moral and professional norms and values generally referred to as ethics.

Generally speaking, ethics refers to the values that guide the conduct of a person, organisation, or society in interactions with others. Ethics stands on the dividing line between perceptions of right and wrong, fairness and unfairness, good and bad, honesty



and dishonesty. One's conduct is, therefore, measured not only against one's own conscience, but also against some standard of acceptability that has been determined by one's society, profession, or organisation. In other words, the individual's or organisation's ethics boils down to the standards that are followed in relationships with others. This is what constitutes the integrity of the individual or organisation from the standpoint of others.

What complicates the issue of ethics is that what seems right to one person might not really matter, and may even appear wrong, to another. Nevertheless, in order to avoid censorship and control by government and other external forces, and also in order to curb excesses by some practitioners tending to give journalism a bad name, many recognise the need for self-regulation by way of a code of conduct to which they subscribe.

In Zambia after the return to multi-party politics in 1991, the government sought to introduce a Media Council Bill in parliament, thus resurrecting the idea of a statutory regulatory body for journalists in the country which was abandoned in the 1980s. The media fraternity would have none of it.

One could safely argue that it was primarily the fear of such a government-imposed body which finally brought the Zambia Independent Media Association (now MISA-Zambia) and the Press Association of Zambia (PAZA) to a round-table to agree on a professionally-driven Media Ethics Council of Zambia (MECOZ) after years of a mutually acrimonious relationship. MECOZ has since formulated a Code of Ethics now in operation.

The MECOZ Code of Ethics is underpinned by the ethos that the purpose of distributing news and informed opinion is to serve the general welfare. Therefore:

“Journalists who use their professional status as representatives of the public for selfish or other unworthy motives violate a high trust.”

Council members commit themselves to abide by the following ethical principles:

## The MECOZ Code of Ethics

1. The public has the right to know the truth. Therefore journalists have a duty to report the truth either as representing objective reality or representing what the source says fairly, accurately and objectively.
  2. Newspaper headlines should be fully warranted by the contents of the articles they accompany. Photographs and telecasts should give an accurate picture of an event and not highlight an incident out of context.
  3. Journalists should respect the confidentiality of sources to whom they have pledged anonymity.
  4. Only fair methods should be used to obtain news, photographs and documents except where overriding public interest justifies the use of other means.
  5. Journalists should regard as a grave professional offence, the acceptance of bribes in any form in consideration of either dissemination or suppression of information.
  6. Journalists shall rectify promptly any harmful inaccuracies, ensure that correction and apologies receive due prominence and afford the right of reply to persons criticised when the issue is of sufficient importance.
  7. Journalists shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on among other things, race, sex, religious, political or other opinions of national or social origins.
  8. Secondary employment, political involvement, holding public office, and service in community organisations should be avoided if it compromises the integrity of journalists and their employers. Journalists and their employers should conduct their personal lives in a manner that protects them from conflict of interest, real or apparent. Their responsibilities to the public are paramount.
  9. Plagiarism is dishonest and unacceptable.
  10. Journalists must respect the moral and cultural values of the Zambian society. Journalists should respect people's privacy unless the public interest demands otherwise.
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## Ethical Issues in Investigative Reporting

Ethics is, by and large, a matter of personal beliefs shaped by one's own value system. Journalists tend to be a self-righteous breed, always ready to disclose other people's misdeeds and shortcomings. Yet, in Zambia as elsewhere, many journalists do not have clearly formulated principles to guide their own conduct. Ethical problems do arise in many aspects of investigative reporting. It is, therefore, incumbent upon the individual practitioner to anticipate them and prepare a personal stand in these areas before encountering them in the field.

### *Motives*

If we accept that the public's right to know is the media's overriding mission, it follows that an investigative story is justified only if its publication will be for the public good. An investigation undertaken to "fix" someone and settle private scores is wrongly premised because it is driven by a selfish and, therefore, improper motive.

### *Accuracy ad Objectivity*

All good journalism (including investigative reporting) is founded on good faith with the public. Truth is the ultimate goal. The public's right to know is only duly served by accurate, truthful information not distorted or coloured by the reporter's own opinion, bias, and world view.

### *Fairplay*

A reporter must at all times show respect for the rights and well-being of people encountered in the course of gathering and presenting the information. Only fair methods should be used to obtain information except where there is an overriding public interest to legitimise the use of other means. Promptly correct any inaccuracies and render apologies for such commissions or omissions. Fairness also demands that all sides to a controversy get an opportunity to present their side of the story.

### *Confidentiality with Sources*

If you are going to pledge anonymity to a source, you must be capable of maintaining confidentiality and honouring your word. If

you violate it, you lose your credibility with the source and bring your profession into disrepute.

### *Power and Responsibility*

It is said “the pen is mightier than the sword.” Therefore, to be an investigative reporter is to hold power: power to shape events, power to embarrass, ridicule, build, and destroy. A reporter obsessed with this power ultimately becomes reckless and abandons responsibility. S/he will shake any and every tree and let the leaves fall wherever they may, regardless of the consequences.

### *Arrogance and Snobbery*

Some reporters achieve star status because of some earth-shaking stories they have written. This coupled with the sense of self-righteousness makes them big-headed. The snobbish reporter only wants to be seen with the high and mighty, shunning grass-roots sources who are critical players in the information-gathering process. Over time, such arrogance and snobbishness shows up in half-cooked, self-opinionated stories based on superficial information.

### *Freebies and Junkets*

Reporters quite often receive “gifts” and free services, such as all-expenses-paid trips sponsored by sources. It is important to consider whether such things are given and received innocently, or as gratification. Are they not likely to compromise the reporter in relation to the donor? And how might the reporter’s detractors exploit or interpret the “gift”?

### *Conflict of Interest*

Economic realities in Zambia today may force a poorly-paid reporter to double as a secret stringer for a rival media house, or, in an election year, do some public relations work for a political candidate. It is impossible to serve two masters with equal allegiance. The reporter will have to deal with a conflict of interest. If it turns out, for example, that the political candidate is a drug trafficker, will the reporter have the courage to expose him or her? Conflict of interest may also arise where a reporter accepts an assignment to investigate a person with whom he or

she has close links, unknown to the editors. The reporter's conscience in this case will be torn between human inclination to shield the acquaintance and the professional responsibility to expose him or her in the public interest. The reporter will not, in such circumstances, do an impartial job. S/he should decline the assignment.

### *Bribery*

Is "cheque-book" journalism acceptable? Is it right to bribe a public official in order to obtain information or gain access to hidden documents? Information generated in public office is public, not private, property. A public official should not regard knowledge or information related to his public duties as personal property, and it is wrong for you as a reporter to contribute to such an official's private gain for its release. Remember, bribery is both unethical and illegal. It is corruption. If you use corrupt methods, can you investigate corruption with a clear conscience?

### *Impersonation*

Is it ethical to misrepresent your identity to get information that a source would not willingly give you if they knew you were a reporter? For example, does it not amount to fraud and deception if you impersonate a law enforcement officer to compel information from a reluctant source? After all, impersonation is a crime, and a crime does not cease to be one because the perpetrator is a reporter.

### *Invasion of Privacy*

Every person enjoys the right to privacy, that is, the right to be left alone and to keep intimate, personal aspects of their lives to themselves, away from the public glare. To conceal your identity and succeed in getting a source to reveal and share their private, innermost thoughts and feelings under duress is tantamount to invasion of privacy. Even when dealing with people in the wrong, it is well to have this in mind. One may ask: can we ethically justify disclosure of salacious, highly embarrassing intimate, personal details which, while astonishing the audience, do not make the story more readable, but merely serve to strip all dignity from the individual involved in the story?

What we have presented above are important ethical questions requiring serious consideration, both at the individual and professional levels.

The media's "social contract" with the public makes it incumbent upon media practitioners to enlighten the public with factual and accurate information served without hidden selfish motives. The media can effectively impact on public life only if the public perceives it as fair, honest, truthful, and accurate. Credibility is at the core of the media's value in the eyes of the public.

Whether ethical codes are just another unnecessary restraint on the media, as some would argue, is not the issue. What is at stake is the integrity and credibility of journalists and their profession. The methods that investigative journalists use in information-gathering, and the stories that eventually ensue, are sometimes embarrassing and damaging to certain individuals and groups. There can be no denying the fact that there are elements within the profession who would use their position of trust for selfish, unworthy causes, and this would taint the public image of the profession as a whole.

Ethics help minimise excesses, instil a sense of responsibility in reporters, and create public respect for individual practitioners and the whole media profession.

## Chapter 10: Legal Challenges

### Investigative Reporters and the Law

Investigative reporting by its nature involves actions that are dishonest, fraudulent, and illegal. Investigative reporters often use deceptive methods to get the information they want and, in many instances, err during this process.

Ethically, these deceptive methods are justified if the continued concealment of such information would be to the disadvantage of the general public. In the course of investigation and story presentation, the reporter runs the risk of committing a number of offences.

It is worth noting from the outset that, no matter how free a society is, there are laws that set out limits to media freedom and, therefore, impinge on media practice. However, the freer the society is, the less restrictive are its laws governing the media. Reporters are not exempted from civil and criminal laws that apply to all other citizens.

Generally speaking, if reporters take the time and make the effort, they can learn the parameters within which they can operate with relative impunity. It takes not much more than common sense to know where the line is.

Reporters are not expected to be lawyers. But those aspiring to do investigative reporting, have a duty to themselves and their respective media houses, to know where the line is and to operate within the established bounds.

In Zambia, the practice of investigative journalism is greatly hindered by various provisions in the statute books which, in fact, directly or indirectly also curtail press freedom in the wider context.

A private legal practitioner (Malila: 2001) singles out the Penal Code, Cap 87 of the Laws of Zambia, as one piece of legislation with various provisions imposing restraints on the media in their role of informing the public.

## Penal Code Provisions

The Penal Code codifies criminal law applicable in Zambia and has been in force since 1930. It contains several provisions that are a bottleneck to investigative reporting and inimical to media practice in general.

### (i) *Power to prohibit publications*

Under section 53 of the Penal Code, the President is granted absolute discretion to ban any publication or series of publications published either within or outside Zambia, if in his opinion such publications are against the public interest. And it is left to the President's sole discretion to determine what constitutes the public interest. It was upon this legal ground that, in 1996, then President Frederick Chiluba declared issue number 401 of *The Post* newspaper a prohibited publication.

Before Chiluba, first republican president Kenneth Kaunda in May 1989, while on a visit to Iran, used the same law to ban Salman Rushdie's controversial book, *The Satanic Verses*, on the grounds that it was blasphemous of the religion of Islam. The ban was proclaimed even before the book could enter Zambia!

Section 53 along with Sections 54 and 55, have far-reaching consequences. For, in the case of a periodical, unless the President's banning order provides otherwise, the ban will be deemed to apply to subsequent editions of the publication, even if the publication's name is changed.

Although the power to ban publications has been sparingly used, the mere fact that it exists puts the media in perpetual danger of being phased out.

### (ii) *Law on Sedition and Related Practices*

The subject of sedition is dealt with under sections 57, 58, 59, 60 and 61 of the Penal Code.

Section 57 of the Penal Code is the law that prohibits and defines sedition. Under this statute, imprisonment for seven years and/or a fine awaits anyone found guilty of sedition, that is to say, anyone who:



- (a) does or attempts to do, or prepares or conspires with any person to do, any act with seditious intent;
- (b) utters any seditious words;
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;
- (d) Imports any seditious publication, unless he has no reason to believe it is seditious.

Seditious intent is defined in detail in section 60 of the Penal Code. Malila (op.cit.) has paraphrased it as:

“the intention of advocating the overthrow of the Government by unlawful means, of bringing into hatred or contempt or to excite hostility towards Government and the administration of justice, or with the aim of inducing reform by unlawful means, or promoting feelings of ill will or hostilities between different communities or classes of the population, advocating secession and inciting violence.”

Section 62(2) provides that in ascertaining whether any words spoken, or any document published, was or was not seditious,

“every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and the circumstances in which he so conducts himself.”

The provisions of this law compel the need for the media to report in a responsible manner. There can be no quarrel with that. The danger, however, lies in the fact that the provisions are so wide-sweeping that they can be used by Government against sections of the media that investigate and expose malfeasance in government circles.

A case in point is the United National Independence Party (UNIP)'s **Zero Option** plan which was declared a seditious document and accordingly banned by the government. And, for good measure, more than twenty senior members of UNIP were detained without trial on charges that they had participated in the production and distribution of the document (*Times of Zambia*: March 18, 1991: p.5).

Seditious intent is widely defined, and the reporter must tread with caution to avoid falling into the trap.

*(iii) Publication of false news with intent to cause fear and alarm to the public*

Section 67 of the Penal Code makes it a criminal offence to publish any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace, knowing or having reason to believe such statement, rumour, or report is false. A person found guilty of any of these acts is liable to imprisonment for up to three years.

Section 67 is an important provision in guarding against irresponsible journalism where some media practitioners fabricate and publish false stories for monetary gain or for improper motives. An example of irresponsible journalism is the case of the **Confidential** newspaper (now extinct), which published a series of shocking stories in their issue No. 16 of 18 – 24 September 1996 and issue No. 17 of 25 September to 1<sup>st</sup> October 1996 about then Chief Justice Matthew Ngulube. The editor of the paper was later to confess that he had received payment to publish the false stories in order to cause the Chief Justice embarrassment and force him to resign (Malila, op.cit: p.11).

No apology can be made for such reckless journalism. However, in the absence of a law which compels public office holders to provide, or confirm, any information sought by sections of the media, section 67 imposes a limitation on investigative reporting.

But in a number of cases, information may be published which would be caught by section 67 without any ill will or malicious intention on the part of the publisher. For example, in 1987, at the height of shortages of food and other essential commodities in Zambia, a Mufulira-based Zambia News Agency (ZANA) reporter, Augustine Phiri, was arrested and prosecuted for what was deemed an offence under this law. Phiri had filed a report (which was later aired on ZNBC radio) that a child on its mother's back had been crushed to death in a stampede for maize meal, a commodity that had been in short supply in the town until then.

It turned out that although the child had experienced suffocation and been rushed to hospital, it had not actually died. Phiri's sin

was to file the story before checking the child's condition with hospital authorities, whereupon the police picked him up and charged him with publishing false news with the motive of causing fear and alarm to the public.

The lesson for the investigative reporter who does not want to run afoul of this law is simple: always confirm and verify the accuracy of any statement, rumour, or report before publishing.

(iv) *Defamation of the President*

The President's reputation is protected by section 69, which criminalises publication of any defamatory or insulting matter calculated to bring him into hatred, ridicule, or contempt.

It is not unreasonable to surmise that any investigative report suggesting improper conduct on the part of a sitting president would be construed as intended to be insulting of him, or to bring him into hatred, ridicule or contempt and thus be actionable in a criminal court. To illustrate: Former ministers Edith Nawakwi and Dipak Patel, who were then members of the opposition Forum for Democracy and Development (FDD), together with editor Fred Mmembe and three reporters from the **Post** newspaper, were prosecuted under section 69 of the Penal Code. The charges emanated from a story published in its edition of 17 August, 2001, in which (then) President Chiluba was referred to as a "thief" for some alleged corruption.

(v) *Personation*

According to section 102 of the Penal Code, it is an offence to impersonate any person employed in the public service on any occasion when the latter is required to do any act or attend in any place by virtue of his employment. It is also an offence for someone to falsely represent himself to be a person employed in the public service, and assume to do any act or to attend in any place for the purpose of doing any act by virtue of such employment.

Simply put, it is an offence for you to pretend to be an agent of the state to gain admission to a restricted place, or to engage in an activity which is restricted to designated state employees. Under this Act, it is an offence, for example, to masquerade as a

police detective to compel information from a source who would not ordinarily divulge such information to you if they knew you to be a reporter. One way to avoid arrest and prosecution for such undercover operations is for you and your editor to inform relevant law-enforcement authorities and seek prior clearance from them.

(vi) *Contempt of Court*

Contempt of Court is covered under section 116 of the Penal Code. The main concern of the law of contempt of court is to protect the legal process from outside interference. It involves the offence of showing disrespect for the courts of law. The law also restricts the amount of information or comment a journalist may publish in respect of judicial proceedings.

According to section 116(d), it is contempt of court for any person, while judicial proceedings are pending, to publish orally or in writing, anything misrepresenting such proceedings, or capable of prejudicing any person in favour of any party to such proceedings, or calculated to lower the authority of any person before whom such proceedings are being heard or taken. There is a particular danger of contempt of court arising from publication of matter which might be deemed to interfere with the course of justice while a trial is in progress and this interference could influence the outcome of the court case.

A matter still being considered by a court of law is said to be *sub judice*, a Latin phrase meaning *under judge*, or under judicial consideration. In law, a case becomes "active" once it has been put on the **cause list**, that is, the list of cases to be heard or tried by a court of law. In Zambia, in fact, a criminal matter becomes active immediately police lay charges and open a docket on an accused person. The Act says criminal proceedings are deemed active if a person has been arrested, or a warrant of arrest has been issued, or a summons has been issued, or if a person has been charged orally. To comment on such a matter, or to publish anything that would suggest the guilt or innocence of a party, or the veracity or falsity of the evidence offered in a case in court, would be contempt of court. At play is the principle that the judge or magistrate presiding over the case might be

exposed to such publication and be influenced in his decision by its contents.

Another danger lies in the publication of material when there exists a court order that such material should not be published. For example, if a journalist publishes or continues to publish information relating to judicial proceedings the publication of which the court has expressly forbidden, such a journalist is liable for contempt.

### **The State Security Act: Cap 111**

The State Security Act is intended to deal with espionage, sabotage, and other related activities inimical to the interests of the state. Under this Act, it is an offence punishable with a jail term of not less than fifteen years for any person to communicate any classified matter to any person other than one to whom he is authorised to communicate. This provision bars government functionaries from disclosing confidential and classified information to members of the public and the media.

Section 4 of the Act says a journalist or other member of the public commits an offence if he discloses information, without lawful authority, knowing or having reasonable cause to believe that it is protected against disclosure by the provisions of the Act. The journalist contravenes this law if he discloses such information when it relates to the security or defence of the country, or the protection of good international relations.

On 9<sup>th</sup> March, 1999, the **Post** published details of Zambia's military capacity, suggesting that the country was ill-equipped to stand up to Angola's military muscle, in the event of a war between the two. The paper's editors and reporter were arrested and charged with espionage under the provisions of the State Security Act.

In the area of civil law, perhaps the greatest risk to investigative reporting, and one most dreaded by media managers, comes from the law that deals with the protection of individual persons' reputations. It is the law against defamation of character.

## Defamation Act: Cap 68

The Defamation Act, Cap 68 of the Laws of Zambia, exists to guard the reputation of the individual from unjustified attack or injury.

As the Act defines it, defamation is the publication of a statement which reflects on a person's reputation and tends to lower him in the estimation of right-thinking members of society generally or tends to make them shun or avoid him. The defamatory meaning of the statement may be apparent on its face, or it may arise from extrinsic circumstances, which the complainant (the party aggrieved) is then required to prove.

It is defamatory to publish matter that is likely to expose a person to hatred, ridicule, or contempt, or disparage him in his business, trade, office, or profession.

Defamation is almost always a present danger in investigative reporting since investigative stories about people often focus on their shortcomings or misdeeds, thereby tending to lower them in the eyes of rational members of society.

However, if you can prove the truth of what you have published, you have a complete defence in a civil action because, even though the publication has damaged the plaintiff's reputation, the law will say that it was justifiably damaged; that he was not entitled to a good reputation.

The upshot of all this is that an investigative story must be accurate in every detail and based entirely on provable facts.

## Chapter 11: The Investigative Reporter: Essential Characteristics

It is evident from the account presented so far in this book that investigative journalism is a more demanding enterprise than routine reporting. It is not for all and sundry. It is a craft requiring journalists with excellent learned skills, as well as the capacity to make sound, balanced political and social judgments. Anyone hankering after a career in this field must possess the necessary personal traits and professional skills implied in the definition of investigative reporting. It is pertinent at this stage to highlight some of the qualities needed for one to be an effective operator in the complicated world of investigative reporting.

### *Incisive Mind*

A reporter with a mind which is sharp enough to be able to decipher the significance of events is also likely to be one who is able to catch on to what at first appear to be obscure ideas. It helps to have a sense of history and the workings of politics so that you do not see things in a superficial way. It is worth remembering that everyone, every organisation, and every event has a history which may have a bearing on what you see happening now.

### *Diplomacy*

You need to have diplomatic skills to effectively negotiate with sources who are afraid or unwilling to give information for whatever reason. You must have the ability to build and maintain coalitions with reform-minded public officials who become valuable contacts. It also helps to be sociable with people across the social spectrum. Cultivate relations with both the cream and the grassroots of society. Each of them will give you information that comes easily to them by virtue of their positions.

### *Enterprise*

A spirit of enterprise entails a capacity for resourcefulness. If you are resourceful you will be able to develop imaginative ways of

finding and getting what you want. This is particularly useful in the quest for useful sources and in the search for facts.

### *Curiosity*

A curious mind is an inquisitive mind, perpetually driven by a burning desire to know what is happening, why it is happening, and who is making things happen. Curiosity is the one factor responsible for generating the questions that drive investigative interviews. People not inclined to ask questions do not learn much.

### *Scepticism*

Scepticism is a shield against gullibility. A reporter needs to have a fair amount of scepticism to avoid taking everything and everyone at face value. Take nothing for granted. Always verify what you see or hear. Crosscheck one source with another to ensure that things actually add up and that you are not being told lies or half-truths.

It is reasonable to doubt the sincerity and motive of each and every source from whom you get information. Remember, the ultimate goal of investigative reporting is to uncover the truth, and you need to do a thorough job of substantiating allegations made by different sources.

### *Ingenuity*

Ingenuity here means the ability to develop the skills you need to overcome difficulties and get round the many obstacles that await you in information-gathering. You need the capacity to think (and think fast) of innovative and practical options when confronted with what initially appears to be an intractable problem. Necessity is the mother of invention, and ingenuity is the springboard of innovation.

### *Persistence*

In investigative reporting, this is an indispensable attribute. It is a critical factor. You need dogged persistence and perseverance to succeed in this enterprise. There is no substitute for single-minded, stubborn steadfastness in the pursuit of facts and elusive sources. Recall the persistence of Tom Bower (Spark, op.cit.) who



telephoned one man a hundred times to both get and clarify the facts he needed for a biography he was writing! Persistence enables you to endure the drudgery and frustrations associated with investigative undertakings.

### *Courage*

Investigative reporting is not for the timid and weak-hearted. It takes guts. Investigation takes courage because it involves asking some powerful and hostile people tough questions. It may involve you in face-to-face confrontations with angry people who will issue all sorts of threats.

Investigations make you step on people's toes and produce all kinds of consequences. You need raw courage to stay the course.

### *Open-Mindedness*

The search for truth requires that you keep an open mind and go into the probe without pre-conceptions. If you have fixed views on every issue, you may be tempted to distort the facts to conform to the stance you have already taken, even if your findings are to the contrary.

### *Integrity*

Integrity is hard to measure. But it is a product of conduct that is above reproach, and which earns one respect in the eyes of others. This is shaped by your treatment of sources before, during, and after the encounter. Integrity has to do with honour. You will lose honour if you reveal a source you had earlier promised anonymity, or disclose information given to you in confidence.

In investigative reporting, integrity often means keeping your word, being fair in your dealings with people, and operating in a clean and honest manner.

### *Cynicism*

To paraphrase Benjaminson and Anderson (1990: p.4), Cynicism is an abiding faith that someone, somehow, is working against the public interest. Cynicism is not a wrong attitude to have. If you are going to investigate your suspicions, for example, it is

sometimes useful to hypothesise that someone is guilty until proven innocent.

A cynical attitude coupled with a certain amount of righteous indignation enables you to see plots where others see only straightforward, innocent plans.

### *Analytical Mind*

An analytical mind is able to logically deduce facts from incomplete or scrambled pieces of information. It is particularly useful where you are trying to fill in the blanks.

This is not, by any means, an exhaustive catalogue of the reporter's essential characteristics. There are others, such as the fact that you need to have some working knowledge of the scientific method and how science works. You also need to be a good story teller, an important quality when it comes to actually assembling the facts to produce a meaningful, compelling story.

## Chapter 12: The State of Investigative Reporting in Zambia

### Background

In post-independence Zambia, authorities have attempted to control the media in a variety of ways. Soon after independence, for example, the government bought the *Zambia Daily Mail* and turned it into its mouthpiece (Kasoma: 1986). Later, in the early 1980s, the ruling United National Independence Party, UNIP, bought the *Times of Zambia* and made it the organ for the propagation of party policy and programmes. In either case, the “party and its government” exercised control via the appointment of the boards and chief executives who had to strictly toe the party and government line (Kasoma, op. cit.). The only independent newspaper at the time, the ecumenically-owned religious newspaper, the *National Mirror*, operated under very constrained conditions as it was sometimes denied advertising revenue from government and state-controlled institutions whenever it was found in breach of journalistic limits defined and set by government.

In the 1980s the government even contemplated the idea of introducing a Press Council to deal with what it perceived as unacceptable practices by some journalists and media houses, virtually all of whom were government employees because they were working for the state media. The media fraternity robustly resisted the plan. But although the government finally shelved the scheme, this had created an environment characterised by self-censorship on pain of incurring the wrath of the authorities and the prospect of a publication ban.

Broadcasting remained the preserve of the government which owned and run the country's sole broadcaster then, the *Zambia Broadcasting Services* (ZBS), later to become the *Zambia National Broadcasting Corporation* (ZNBC).

This was the status quo until the return to pluralist politics at the beginning of the 1990s, which led to a loosening of the grip on the print media and the subsequent freeing of the airwaves to

allow for the emergence of several independent, privately-owned newspapers and radio stations. Although ZNBC continues to be the only nation-wide broadcaster, its monopoly in television broadcasting has since been broken by the introduction of Multichoice (jointly operated by a South African satellite television service provider and ZNBC) and the Cable Satellite Television (CASAT) company.

Since the 1990s, the newspaper scene has been dominated by three dailies, namely, the *Times of Zambia*, the *Zambia Daily Mail*, and *The Post*, with the *National Mirror* and the *Monitor* continuing as stable weeklies. A new arrival, the *Today* newspaper, went out of circulation in the middle of 2003 citing economic reasons, only to re-emerge in the last quarter of the year hoping to stay in business. At the time of going to press the *Monitor* had ceased publishing.

In 2002, the Independent Broadcasting Authority (IBA) was created by an act of parliament. The IBA's mandate includes powers "to grant, renew, suspend, and cancel licences and frequencies for broadcasting ... in an open and transparent manner" (Independent Broadcasting Authority Act No. 17 of 2002).

The advent of independent media has brought with it a bold new spirit of press freedom, with some venturing out to unravel and expose scandals and misdeeds in both the public and corporate sectors.

However, this has not come without a cost. A number of media houses have been sued for libel and paid heavily in damages and legal fees. In one case (the *Crime News*), a newspaper folded up and ceased publication following its failure to pay the full damages awarded to Guy Scott, a former Minister of Agriculture, who had successfully sued the paper for fabricating and publishing a story highly defamatory of him.

That, then, is the picture as regards the media landscape in Zambia today. But what is the current status of investigative reporting in the country? What is the media practitioners' understanding of the concept of investigative reporting? Is the media taking advantage of the relatively free operating

environment to encourage and engage in investigative reporting? What are the factors constraining the development and practice of investigative reporting in the country?

To find answers to these questions, we carried out a survey among selected reporters and editors from the major media. The survey was conducted via personal interviews with the chosen respondents.

## The Survey

One of the things we found was that investigative reporting meant different things to different people. There were almost as many definitions as the people interviewed.

It was also clear that despite the varying definitions of the term, the hurdles encountered in the pursuit of investigative stories and the factors inhibiting the practice of investigative journalism were similar for all reporters and editors.

The following were the views expressed by reporters and editors from the mainstream media in Zambia concerning the state of investigative reporting in the nation.

### *Zambia Daily Mail*

The *Zambia Daily Mail* is a state-owned daily newspaper. Nicky Shabolyo is the Chief Reporter at the *Daily Mail*, and he started from the outset that the editorial policy of his paper reflected the need for reporters to engage in investigative reporting. He defined investigative reporting as going beyond what was on the surface and bringing out what was hidden.

Asked whether the *Daily Mail* had a bias toward certain subject areas, Shabolyo said his paper did not have specific areas they investigated.

With regard to the constraints faced by reporters as they went about investigating certain stories, Shabolyo catalogued a number of obstacles.

The major problem he cited was that of reluctant sources. Because of the sensitive nature of subjects that call for investigation, sources are unwilling to divulge certain information.

This causes many journalists to give up and pursue straightforward stories instead.

Related to the above aspect were the legal constraints. He said some of the laws in Zambia make it almost impossible for reporters to obtain certain information. He mentioned laws relating to invasion of privacy and the State Security Act as being among statutes which restrain journalists from pursuing stories that need in-depth probing.

The other impediment is that *The Daily Mail* is ill-equipped to facilitate the undertaking of smooth and thorough investigations. Shabolyo said that his institution lacked basic things such as communication facilities broken down into telephones, both land line and mobile, and transport.

He attributed the lack of an investigative reporting culture in Zambia to low levels of training among journalists. He said standards of journalism education and training in the country have deteriorated to the extent that “novice reporters” cannot take up the challenges that go with pursuing a story of an investigative nature.

### *The Post Newspaper*

The *Post* newspaper is a privately-owned and run newspaper that boasts of exercising editorial independence. It touts itself as “the paper that digs deeper.” Amos Malupenga is the news editor for the *Post*, and he defined investigative reporting as “news behind news”. He went on to draw a distinction between two types of investigative reporting. The first, he characterised as “normal investigative reporting” where a reporter given a “small assignment” decides to go deeper and in the end comes out with “something bigger”. He explained that even an ordinary or everyday event could be developed into a well-researched story. He called the second type “special investigative reporting” which has an orientation towards unearthing big scandals, including political sleaze.

He pointed out however, that there was a general misperception that investigative reporting was all about bringing out negative

matters, which was not always the case, because investigations can reveal positive things as well.

Malupenga said the editorial policy of the *Post Newspaper* gives leeway to journalists to be imaginative and to come up with well-investigated stories. Furthermore, the paper has no restrictions and does not dictate to reporters regarding the subject areas for investigation. Reporters are only encouraged to be professional in their reporting.

When asked to mention some of the constraints journalists come across in their coverage of stories involving investigations, Malupenga began by stating that a large number of journalists in Zambia, including those working for the *Post*, lacked the necessary skills and intelligence to match the rigorous demands of investigative reporting.

He then went on to outline some of the major problems journalists have to grapple with as they embark on stories that require investigative research.

In his view, the number-one hindrance is inadequate financial resources to enable journalists to get to certain places and adequately deal with relevant sources. He explained that some stories require for a reporter to trail sources or even sit down with them and entertain them in order to get the right information. But, unfortunately, his organisation did not have sufficient money to be utilised in such a manner.

Although he was willing to acknowledge that in order to do a thorough investigative job reporters need certain basic equipment, Malupenga noted that some investigative stories do not need any sophisticated equipment but just the maturity and intelligence of a reporter.

In a separate interview, Edem Djokotoe (*Post* training editor) would agree:

“A lot of investigative stories can be accomplished with exactly the same level of resources needed to do an ordinary feature. Most Zambian journalists just lack the basic will and motivation.”

According to Malupenga, the *Post* newspaper is seriously constrained in the area of transport. He said none of the few vehicles available could be exclusively dedicated to doing investigative stories because other sections in the organisation would be adversely affected. As a result, stories of an investigative nature do not receive as much attention as “less time consuming news events”.

Malupenga identified the media law regime as another impediment to investigative reporting. He said the legal system in Zambia tends to put reporters in a disadvantaged position while protecting sources of information. He was, however, quick to point out that legal constraints should not always be cited as a stumbling block, because a well-trained reporter should possess the skills to get round such obstacles.

### *The Times of Zambia*

The *Times of Zambia* is another state-owned newspaper, where Frank Katope is the features editor. Katope said the fact that the *Times* does publish feature stories regularly is indicative that the paper engages in investigative reporting.

For Katope, investigative reporting refers to the type of journalism that goes beyond the usual reporting and it involves digging deep into a particular subject matter. He thus equated all feature stories to investigative reporting.

Katope cited the factors he believed were a constraint on investigative journalism practice in the country.

He said the mere fact that his paper is state-owned is a limitation in itself because officials in the public service are not willing to divulge any information that might put the government in an awkward or embarrassing position. He said the issue of ownership affects his work as a journalist because of the proverbial saying, “you cannot bite the finger that feeds you”.

He bemoaned what he termed as “too much red tape” involved in securing access to official documents and information. He said in the search for information, reporters usually find themselves being “tossed” from one official to another until they give up. He blamed the bureaucratic culture in government offices for



hampering the work of journalists as they endeavour to get valuable information from government officers and politicians.

The other major obstacle is the lack of resources, which can be broken down into financial as well as material resources. The poor financial resource base makes it impossible for the paper to plan well. And since the budget allocation is so limited, the *Times* finds it hard to allocate money to the features desk to enable reporters and editors to carry out in-depth investigations.

The other problem relating to resources is that the newspaper still operates with obsolete equipment which is in a deplorable state. And there is no indication that it will be replaced any time soon. Further, due to insufficient funding, the *Times of Zambia* does not have reliable communication facilities and transport.

Katope also pointed out the legal environment as inhibiting the practice of investigative journalism. He said Zambian laws are too restrictive on reporters, and that pieces of legislation such as those dealing with privacy, secrecy and espionage have the effect of blocking journalists from acquiring certain information.

Dave Chibesa, a Senior Features writer at the *Times of Zambia* newspaper, defined investigative reporting as “muck raking”, involving thorough research into an issue.

Chibesa noted the absence of a culture of investigative reporting in Zambia, saying journalists tend to be “conformists” occupied with reporting only routine stories such as those based on official statements and functions.

On the question of constraints, Chibesa said he found it hard to carry out any serious investigations because in the editorial policy of the *Times of Zambia* it is not stated in black and white that reporters ought to pursue investigative stories. The paper lacks institutional support when it comes to stories that demand more time than others before they are finally published.

He also echoed his editor's observation that because his paper is controlled by the government of the day, there is limited independence when it comes to investigating issues to do with scandals in government. He added that government officials, more often than not, withhold information from reporters, unless

such information is deemed as useful in raising the popularity of the government.

Chibesa said that because the *Times of Zambia* as an institution was experiencing financial problems, he had no motivation to carry out investigations. The budget allocated to the organisation was insufficient to support ventures such as investigative reporting which call for money and other basic requirements, like transport and communication facilities. He called this type of hindrance a “logistical limitation” which makes editors reluctant to authorise reporters to follow up certain stories over a period of time.

### *The National Mirror*

The *National Mirror* is an ecumenical newspaper owned and run by the church. Jack Mwewa, Juliet Ilunga, Francis Lungu, Precious Mwewa and Derrick Sinjela are all reporters with the *Mirror*.

What is their understanding of investigative reporting? As far as they are concerned, investigative reporting is a type of reporting that is different from conventional journalism because

“It involves taking an in-depth look at a particular issue with the view of unearthing all the underlying perspectives.”

The reporters stated that from time to time their newspaper publishes stories that have been well investigated. Their reporting is usually event-driven, meaning that they have no particular preference in terms of subject areas. However, they added that the paper had a slight slant toward politics.

The major constraint identified by all the reporters at the *National Mirror* as they endeavoured to do investigations was the unwillingness of public officials to avail reporters certain information, especially sensitive or “confidential” information. They said public officials are especially scared to divulge information to reporters from privately-owned newspapers which are perceived as anti-government.

They said even private citizens are unwilling to reveal information, especially that whose disclosure has the potential of incriminating some people they know. Private individuals when

pressed to provide information have the tendency of reminding reporters that they have the right to be left alone. This prevents journalists from pressing to obtain the information they need for them to come up with a thoroughly investigated story.

Related to the above are the legal impediments in the way of investigative journalists. They noted that, to a large extent, the Legal system in Zambia effectively serves to discourage journalists from engaging in investigative reporting. Some laws, such as those to do with sedition, privacy, official secrets, and espionage are too restrictive, forcing reporters to resort to self-censorship.

The other problem the journalists mentioned was lack of institutional support, which stems from the fact that the editorial policy of the newspaper does not expressly encourage journalists to engage in investigative reporting. They attributed this state of affairs to the principle on which the paper was established, which is not to antagonise people, whether they are politicians or ordinary citizens.

Moses Chitendwe is the News Editor (at the time of writing this, he was also the Managing Editor) at the *National Mirror*. For him, investigative reporting means going beyond the exclusive interview, or “going beyond the ordinary stuff”. And to accomplish this, a reporter has to study the subject, plan and then target the sources that might provide information pertinent to the subject.

He, however, lamented that in spite of the fact that investigative reporting is an indispensable responsibility for any media house, the practice is not well enshrined in editorial policies of many of Zambia’s mainstream media.

With regard to the problems associated with investigative reporting in Zambia, Chitendwe said the *National Mirror* was unable to carry out well-investigated stories because of the lack of professional acumen on the part of reporters. He said the reporters had no “nose for news”, which in his view is the prerequisite for good investigative reporting.

The major problem associated with investigative reporting is lack of both financial and material resources. The *National Mirror* is handicapped as far as transport is concerned. Reporters cannot

be easily transported to places where they need to get in order to obtain information.

Communication facilities such as telephones are not available at the *Mirror*. Reporters with mobile phones have to subsidise the organisation by sacrificing their own airtime in order to get to the sources. This state of affairs de-motivates the journalists who, in addition, have to make do with very meagre wages and salaries. At the time these interviews were conducted, the *Mirror* did not have internet facilities.

Like Malupenga at the *Post*, Chitendwe also made reference to the legal impediments to investigative reporting but suggested they were not insurmountable. In his view, if a journalist is confident and mature enough, he or she can easily overcome the legal obstacles.

#### *The Zambia National Broadcasting Corporation (ZNBC)*

ZNBC is the only national broadcaster in the country, operating both radio and television services.

Cecilia Banda, Assignment Editor at ZNBC, defined investigative reporting as,

“the type of journalism where a reporter uses his or her skills and intelligence to investigate thoroughly on a subject”.

She stated that this type of journalism requires a lot of dedication because it takes up a great deal of time to conclude one story.

On the constraints encountered in the course of investigating stories, Ms Banda said the first one was internal. She said ZNBC did not have a deliberate policy of encouraging reporters to carry out investigations. Thus, even as editor, she found it difficult to assign a reporter to do a story that would involve investigations.

The other constraint was that of inadequate financial and human resources. She explained that ZNBC did not have enough vehicles that could be dedicated to reporters interested in pursuing certain stories over a period of time. In addition, ZNBC did not have enough manpower, so that the few reporters available did not have time to pursue stories that took long to research before they could be aired.

The issue of ownership affects the corporation negatively when it comes to carrying out investigative stories. Though ZNBC is supposed to be autonomous, there is a lot of political interference. And since many scandals happen in the political arena and in a number of cases top government officials are involved, the corporation finds itself unable even to entertain the thought of carrying out investigations with a view to broadcasting the findings.

The legal system also poses enormous challenges to the work of investigative reporters. The laws tend to discourage journalists from venturing into investigative reporting for fear of litigation.

A reporter with ZNBC, Jacqueline Mwankotami, defined investigative reporting as “the in-depth coverage of a story”. She outlined the following constraints with regard to doing stories of an investigative nature. First, the fact that no investigations department exists at ZNBC discourages her from engaging in the same. The editorial policy does not capture the importance of investigative reporting. Therefore, as a reporter, she does not feel compelled to do any stories on those lines.

Another constraint has to do with meeting deadlines; reporters are pressed for time because of the nature of the broadcasting industry, which operates according to exacting deadlines. As Mwankotami sees it, the problem can be traced back to low levels of staffing. Editors are not willing to send the few reporters that are available on “assignments that are going to take ages to be completed.”

Other problems encountered included lack of transport and other communication facilities, like telephones. In addition, the corporation does not pay over-time allowances for extra time put in after working hours. So, reporters are not motivated to carry out investigations.

She also said the corporation does not guarantee reporters protection in the event that they are faced with law suits. A reporter who finds himself or herself in court for defamation or espionage, for example, may well have to meet his or her own legal costs.

## Summary of Findings

The practice of investigative reporting in Zambia is still in its nascent stage. It is evident that harsh economic realities have joined forces with social, cultural, and political factors to keep investigative reporting off the agenda of media houses in the country.

Although it is acknowledged that investigative reporting is a very important function of the media, circumstances do not permit them to commit limited resources to the costly undertaking that investigative reporting can be.

The following are the common factors perceived to constrain the practice of investigative reporting in Zambia.

### 1. Editorial Policy

It is clear that many media houses in the country do not have a clear-cut policy on the desirability of pursuing stories that call for thorough investigations. Consequently, editors and reporters do not feel obliged to do so. The culture of doing investigations is not yet part of journalism in Zambia.

### 2. Lack Of Institutional Support

Because investigative reporting is not enshrined in the editorial policies of the various media institutions, efforts by individual reporters are not supported since this type of journalism is not regarded as a priority. As a result, no logistics are put into place to encourage journalists to do more investigative journalism.

Related to lack of institutional support is failure to protect reporters as they do their investigations. There is no backing from the organisations especially when legal issues come up. Journalists have to engage lawyers using their own resources in spite of the fact they run into trouble while performing official duties. This is more so because investigative reporting is mainly done outside normal working hours.

### 3. Lack Of Resources

This was a perennial constraint in all the media houses. For the state run media, the issue of inadequate funding was

outstanding. For the privately owned media, the issue of low turnover was paramount. The amount of revenue that these media institutions realise cannot sustain the day-to-day operations.

For this reason certain areas of operation are ignored. Unfortunately, investigative reporting is one of those forgotten areas. Inadequacy of resources gives birth to the following problems.

#### (a) Transport

Lack of transport curtails mobility and hampers the performance of journalists. Most investigative work requires ready transport in order to keep contact with sources. All media institutions in Zambia have a limited number of vehicles, which are used for a variety of purposes. It is not possible for them to designate even one vehicle exclusively for use in investigative projects.

#### (b) Communication facilities

The non-availability of reliable communication facilities, such as landline and mobile telephones, as well as computers, poses a very big challenge to reporters. In some media houses, the internet is still regarded as a luxury and status symbol which is made available to only a few unit heads, while reporters are denied all access to the same facility.

#### (c) Equipment

The existing equipment in many media houses is obsolete. In some cases there is even no equipment to talk about. The impact of this constraint is greater for practitioners in the electronic media who may need cameras, recorders and other gadgets required in the gathering of information.

#### (d) Low Salaries

Because all the media operate on limited, shoe-string budgets, it is not possible for them to pay their employees reasonable salaries and allowances. Consequently, journalists have no motivation to work extra hours beyond the normal call of duty, which is the norm in investigative reporting.

#### 4. Sources Not Willing To Divulge Information

The failure by certain sources to provide information is a discouraging factor. The worst culprits in this regard are public officers who employ bureaucratic red tape to frustrate journalists seeking information. They often invoke the General Orders which bind and regulate the conduct of all officers in the civil service. For example, no one in a ministry, other than the designated spokesperson, is allowed to release information to the media or the public. In fact, the government as whole has a designated spokesperson in the Minister of Information and Broadcasting Services. In the case of individual line ministries, in the absence of the spokesperson, who is usually the permanent secretary or a departmental director, it is not possible for the media to have the information they seek. This is a major hindrance because even these designated officers are not always available for comment.

Nor are private citizens always forthcoming when journalists call for information, especially if the information has the potential of embarrassing, scandalising, or incriminating other people of their acquaintance. Fear of repercussions abates people's reluctance to disclose damaging information which implicates others in wrongdoing. This may well be a legacy of the second republic vigilante culture where fear of harassment by "special branch" agents prevented people from speaking out or divulging information that could put others in trouble.

#### 5. Legal Impediments

The existence of some laws creates a legal environment that severely limits the practice of investigative reporting in the country. For example, Cap 111, the State Security Act, section 4, criminalises communication of confidential or classified information. Libel laws have been used with such frequency that journalists are increasingly shunning stories which are likely to lead to costly litigation. Though it can be argued that journalists must have the wits to get round some legal constraints, it is, nevertheless, difficult for them to find the will to investigate if they cannot do so with peace of mind.

It is pertinent to add to the list two other constraints not mentioned by participants in the above survey.



One important factor, which is more of a demotivator than a constraint as such, is the lethargy and apathetic attitude of the Zambian audience. The basic premise of investigative reporting is that when a story is published, the audience will react and exert pressure on the policymakers to take appropriate action. But, in the past, Zambians have rarely, if ever, been outraged enough to agitate for remedial action from policy makers. This has had the effect of dampening the morale of crusade-minded reporters and discouraging them from doing investigative pieces. Over time, this has killed the attractiveness of investigative journalism and created a work culture where reporters are content with doing routine “he said”, “she said” kind of stories.

In relation to accessibility of government-held information, the greatest drawback is the absence of a law that places government-generated documents in the public domain. In the United States of America, for example, the Freedom of Information Act (FOIA) gives the public, and the media, the right to examine any document the executive branch of government has in its possession, with nine exceptions, among them income tax returns, intra-agency letters, and secret documents relating to foreign policy and national defence. There is a time limit within which a public official must oblige after a request for information has been received. By contrast, in Zambia there is yet no such law that compels government or public officials to provide information when it is requested for. That is why investigative reporters have a tough time trying to obtain information, especially when such information links senior officials to wrongdoing.

## **Recommendations**

What we have painted is not an inspiring picture of the state of investigative journalism in Zambia. But it need not remain a permanent feature of media practice in this country. The situation could change if a few positive steps were taken.

A culture of investigative reporting could eventually dawn if superiors in media institutions were educated to appreciate the importance and relevance of investigative reporting to the democratic society that Zambians aspire to achieve. Media

executives should, in this regard, provide full support to staff doing investigations.

Media training institutions, on their part, should emphasise specialised and more rigorous training in investigative journalism to produce a cadre of sufficiently skilled and motivated professionals.

Civic Society could mount country-wide sensitisation campaigns to educate the public on their right to know how those in public offices are operating and to demand corrective action when such office-holders are found wanting. This will bring about attitudinal change and help reduce the docility woefully characteristic of the general public in Zambia.

Journalists can circumvent government red tape by building coalitions with reform-minded bureaucrats and policymakers. They can also build confidence in sources by promising them protection or anonymity where necessary, and persuading them to see how releasing information will serve the public good.

In the interest of greater information flow, Parliament could be lobbied to pass a Freedom of Information Act and a law to protect whistle-blowers.

Media organisations and associations can help develop reporters' interest in investigative reporting by offering incentives to reporters to produce good investigative stories. An annual award for the best investigative story of the year would be an excellent idea.

## Chapter 13: The Great Cruise Ship Con

### An Investigative Journalism Case Study

By Edem Djokotoe, *Post Newspapers Limited*.

#### Preamble

The chronology of an investigative story begins with the origination of the story idea and ends with the story's impact. In the preceding chapters we have dealt with where story ideas come from and the planning that goes into turning an idea into a feasible investigative project culminating into a published story. We have addressed the tools of investigation and how they can be used in various situations.

We have discussed the issue of Backgrounding, the problem of story sourcing, and how to deal with unco-operative and, not infrequently, hostile sources.

We have also seen the need for a reporter to possess certain skills and characteristics in order to be an effective operator in the complex world of investigative reporting. A great investigative story typically has impact, whether on policy makers, on the wider media agenda, on members of the public, or on the reporter himself and his organisation in terms of threats and other post-publication consequences, which may themselves be the subject of follow-up stories.

In this concluding chapter, we present a case study which clearly illustrates the salient points made above regarding investigative reporting. Note how a simple and seemingly ordinary advertisement aroused the author's suspicions based on his intuitive scepticism and became the source of the story idea.

Carefully follow the single-minded zeal with which Edem Djokotoe planned and executed the investigation. Also note the post-publication impact and reactions from the victims. See how he dealt with reactions from the "other side" and went on to use their responses in a follow-up story. Edem Djokotoe is a training

editor working for the *Post* Newspaper in Zambia. His account follows below.

## **Introduction**

I am not so sure whether cynicism qualifies as a virtue, but I think for a journalist, taking things that come your way with the proverbial pinch of salt has its professional advantages. For instance, if I was the kind of person who believes in crocks of gold at the end of rainbows, I would not have had any legitimate basis to begin the investigation that resulted in the report on which this case study is based.

So when I stumbled upon a newspaper advertisement in the *Post* sometime in September this year about the availability of 5,000 well-paying jobs on cruise ships in the Caribbean for interested applicants between 18 and 40 years old, I was naturally sceptical. But I imagined that there would be many gullible people out there who would find the prospect of earning up to 45,000 tax-free US dollars per annum doing a job that came with free accommodation, free food and a chance to see the world too tempting to pass up. I knew enough about job scams to suspect that some people would get taken advantage of and lose money in the process.

## **Anatomy of an investigation**

The more I thought about the advert, the more questions came to mind. For instance, if there were such well-paying jobs out there, why was someone going out of his way to share the good news with us, thousands of miles away in a landlocked country like Zambia? Another thing: where exactly in the Caribbean are these jobs? I know that the geographical territory known as the Caribbean is made up of over 26 countries, mostly islands, but each of which is sovereign. I was curious to know who had placed the advert and what guarantees they were prepared to provide. Interestingly, the only contact address the advert carried was a website and an E-mail address. In short, there was no physical address, no company name, no telephone numbers, no fax numbers, and no contact person to call for details, which made the possibility of actual jobs very obscure.

I went to the website but all I found was advertising spiel, no concrete detail. Nevertheless, I decided to send in an application, hoping it would unlock some doors and reveal what lay behind them. I submitted my real name but falsified my other personal details. For instance, I put my age at 37, declared that I worked in public relations and had some experience in customer relations. I also sent in an email in which I asked a few pointed questions about the length of tours of duty for successful applicants, about visa requirements and so on. I got an almost instantaneous response to my mail. I was informed that my queries would be investigated and answers sent to me in due course. I am still waiting for the answers to come.

In the meantime, I did a bit of desk research. I looked through the advertising log at the *Post* to find out who had placed the adverts for the jobs on cruise ships in the Caribbean. I discovered that the adverts had been placed by a local advertising agency called FCB Zambia. I did a bit more digging to find out a bit more about this agency. I found out that FCB, which stood for Foote, Cone and Belding, was an international agency with a small office in Zambia. Advertising agencies make their money by placing adverts in the media on behalf of their clients for a 16.5 per cent commission of the total cost of the adverts.

I used the opportunity to check whether FCB Zambia had placed adverts in the *Post* that promised well-paying jobs in exotic places. I found out that indeed it had. In April this year, FCB Zambia placed adverts on behalf of Caledonian Offshore Limited for jobs on oil rigs in the North Sea, South East Asia, the Middle East and West Africa. A check on old newspapers showed that the contact address for Caledonian Offshore Limited was a website and an E-mail address. I visited the site but found it was scanty in information. I sent an E-mail the way any prospective job applicant would and got a response. I was requested to fill in a form online and send my particulars.

I complied because I needed information to build up my investigation of what was turning out to be a very bizarre development. Bizarre because, for instance, Caledonian Offshore Limited has a Canadian postal address, but my investigations would reveal that the company was incorporated in war-torn

Liberia. I asked a prominent Lusaka lawyer to explain what that meant and he said crooked companies that wanted to cover their tracks did things like that.

Between 11 and 16 October, a few angry applicants turned up at the *Post* to inquire about the adverts the papers had published on behalf of the agency which claimed there were 5,000 jobs on cruise ships in the Caribbean and on oil rigs around the world for the taking. Some of them said they had sent money by bank draft to addresses they were given but had not received any feedback. I got to meet at least six such applicants and studied the letters they had received. I wanted them to give me details of the bank drafts they had sent, but for some reason, they were reluctant. That would have enabled me to follow the investigation through with local commercial banks to establish where the beneficiary banks were.

### **Putting the jigsaw puzzle together**

By now, I felt I had sufficient information to call up FCB Zambia to find out what the source of the adverts had been and what their part in the scheme of things was. I knew that if I went in person, introduced myself as a journalist and requested for information, I was not going to get much co-operation.

So I phoned and led the voice on the other end to believe that I was calling as an advertising agent for the *Post* who was following up our relationship with our clients like FCB Zambia in order to give them more personalised service. The voice on the other end, who would later introduce himself to me as Felix, bought my cover and obliged me with information.

Firstly, I was able to establish that they got the adverts from another agency called I-Direct, Inc., based in Panama City, Panama, in South America by FedEx, an international courier service. The package came with negatives for insertion in local newspapers plus a bank draft of US\$1,000 to cover the cost of publishing the adverts and the 16.5 per cent commission for the handling advertising agency, in this case, FCB Zambia.

I asked Felix who the contact name of the officer they dealt with at I-Direct Inc. was and he said Glorials Atencio. I asked for her E-mail address and her phone number and, again, he obliged. It

was when I asked him about how they were able to establish the genuineness of the adverts they received that he got cagy and suspicious and asked who I was.

At that point, I introduced myself as Edem Djokotoe, a journalist at the *Post* who was doing an investigation on a series of adverts FCB Zambia had placed in the paper. Thereafter, he wasn't too keen to give me any more answers.

Nevertheless, I had some tangible information I didn't have before I called. But thing is, Felix is an employee, a junior officer. I couldn't quote him for the record. I would need to get his boss, the Managing Director of FCB Zambia, Mr. Tayaniimba, on record.

By this time, the main body of the investigative report had been written. I had the testimony of people who had sent money to Sea Cruises a.v.v. and Caledonian Offshore Limited in Canada but had not received any response thereafter. I knew how many insertions both companies had placed in the paper through FCB Zambia who in turn had gotten them from I-Direct Inc. in Panama City. I had tried to get some information from FedEx about the parcels it had delivered to FCB Zambia, but I was told that they do not disclose information about their dealings with their clients.

I had sent an E-mail to Gloria Atencio in Panama City, but had received no response. Nevertheless, I decided to wait for some answers from that end because that would strengthen my story and give it the balanced and objective edge it needed.

When I called FCB Zambia Managing Director, Mr. Tayaniimba, two days later, he was apprehensive. I told him that I was doing a story and needed him to confirm some details. I asked him where they got the adverts from, and he said from another agency he could not name. I said,

"Mr. Zimba, why don't you admit you have been dealing with I-Direct in Panama City?"

That took him off guard. I asked how the adverts were paid for and he said,

"Mr. Djokotoe, I can't tell you that."

I played the ace up my sleeve and said,

"You get the adverts through FedEx, together with a bank draft for US\$1,000 to pay for a total of nine insertions in the *Post* and another nine in the *Times of Zambia* and to cover your 16.5 per cent agency commission."

I told him that all I needed was an official position from his agency about how they determine the credibility of companies such as Sea Cruise Enterprises and Caledonian Offshore Limited they have no direct contact with and therefore have no way of knowing whether they are legitimate or not. He said as far as he was concerned, the companies in question were legitimate and unless I had concrete evidence of something underhand, he would have no reason to doubt their credibility.

I published my investigative report on October 19, 2003 in the *Sunday Post*.

### **Public reaction to the report**

Reactions started pouring in less than 24 hours later. By Sunday afternoon, I had received seven E-mails from people who had either sent money or were about to send money to Sea Cruise Enterprises.

By Monday, my mailbox was getting clogged with mail from anxious readers who had seen my report and wanted me to confirm whether I was sure what I had found out about the two companies I had written about was true.

On Wednesday, October 23, FCB Zambia MD, Mr. Zimba, paid me a visit. Apparently, he had been inundated with phone calls from clients of his who had read my report and wanted to know how legitimate his company was. I got the impression the media attention he had gotten on account of my report was affecting his business and he sounded very agitated. He said,

"I have no problem with your report, but the fuss it has created is worrying me. In fact, if you were Zambian, I would have had some serious beef with you because I'd have thought you were doing it to bring me down."

But that was not why he came to see me. He had sent a copy of my report to the General Manager of I-Direct, Inc. in Panama City, Mr. Tito Cordoba, who had responded by sending me a letter



asking me what the source of my concern was. Mr. Cordoba responded by sending him a frantic E-mail asking what was going on in Zambia. He attached copies of a letter of guarantee from Sea Cruise Enterprises, the company's registration certificate as well as a letter of reference from Panama Ship Management certifying that the company in question was legitimate.

The documentation seemed impressive, but Mr. Cordoba did not answer the questions I had raised in the report. Before the end of October 22, I sent him an E-mail repeating the same questions and promising that I would publish his answers in a follow-up report. To this day, I have not received answers to my questions.

### **Threats**

What the *Post* would receive, however, was a letter of complaint from Mr. Zimba of FCB Zambia asking why, in spite of the documentation he had personally delivered to me about the legitimacy of Sea Cruise Enterprises, I had not corrected the impression I had created in my report about its alleged shadiness. He copied the letter to his company's lawyers, Muponda Chashi and Associates. The veiled threat of a legal suit was not lost on me, but I knew that FCB Zambia had no chance in hell of winning a court case where the facts on the ground worked against them.

Nevertheless, I wrote to him and assured him that the follow-up report had already been written and should have been published on October 26. However, as a newspaper, we had decided to delay publication by an extra week to give Mr. Cordoba a chance to respond to the questions I had asked him.

### **Conclusion**

On November 2<sup>nd</sup>, 2003, I published the second part of the report on the cruise ship scam. The report would contain the details of Mr. Cordoba's correspondence and information about the cruise industry and new facts I had found out about the nature of the business, and what employees who signed contracts with ships were entitled to. For illustrative purposes, I scanned the faxes Mr. Cordoba sent to accompany the report. I concluded the report with a little footnote, explaining the paper's decision to delay

publication until then. I have had no further reaction from FCB Zambia.

All in all, it took me five weeks to investigate and report the “jobs on cruise ships” scam. The adrenalin rush I felt cracking the story was worth the effort.

**Footnote:** The full story is in Appendix 1, headed “The Great Cruise Liner Con.”

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Defamation Act: Cap. 68 of the Laws of Zambia.

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Penal Code: Cap 87 of the Laws of Zambia.

State Security Act: Cap 111 of the Laws of Zambia.

### **People Interviewed**

#### ***The National Mirror:***

Moses Chitendwe – News Editor

Derrick Sinjela – Reporter

Francis Lungu – Reporter

Jack Mwewa – Reporter

Juliet Ilunga –Reporter

Precious Mwewa – Reporter

#### ***The Post:***

Amos Malupenga – News Editor

Edem Djokotoe – Training Editor

#### ***Times of Zambia:***

Frank Katope – Features Editor

Dave Chibesa – Senior Features Writer

#### ***Zambia Daily Mail:***

Nicky Shabolyo – Chief Reporter

#### ***Zambia National Broadcasting Corporation***

Cecilia Banda – Assignment Editor

Jacqueline Mwankotami – Reporter

## Appendices

### Appendix I The Great Cruise liner Con

Special Investigative Report by Edem Djokotoe.

On September 22<sup>nd</sup> 2003, the *Post* carried an advertisement which promised successful applicants a job like no other - a job that came with free meals, free accommodation, a free air ticket, a tax-free cash dollar salary and a chance to see the world at absolutely no charge.

It would be the first in a series of nine insertions, all of which read the same:

*New Jobs! 5,000 Jobs on Cruise Ships. Positions available: administrative staff; cleaners; pool attendants; bellboys; hostesses; dining room staff; GP-repairmen; receptionists; room stewards; cruise staff; shop staff; electricians; seamen and many other positions. US\$15,000 – US\$45,000 annually. Many new job vacancies onboard cruise ships in the Caribbean for qualified individuals between 18-40 years old. Inexperienced applicants may also apply for trainee positions. Round trip airfare, free accommodation and free on-the-job training provided. For more information, only send your name and address through our web page: [www.jobsoncruises.com](http://www.jobsoncruises.com) or E-mail: [ships@jobsoncruises.com](mailto:ships@jobsoncruises.com)*

Predictably, the adverts would open up the floodgates for thousands of applications from all over the country. After all, in a country where, according to ZCTU statistics, 89 per cent of the population is either unemployed or are eking out a living in a very uncertain informal sector, and where the average civil servant earns under US\$100 per month, the possibility of a well-paid job on a cruise ship must have read like a Godsend.

So I went ahead and did what any curious journalist would do under the circumstances, and that is, send in my name and my address, even though I was way over the stipulated age limit and had no intention of leaving the firmness of dry land for a job on the high seas.

I got a response to my E-mail almost immediately. Attached to the Cruise Employment Application was a letter which read:

*"Thank you for your interest in the cruise industry. The cruise industry is the most important industry in the hospitality sector for thousands of jobs every year in many countries around the world. If you are looking for a well-paid job, want to meet new friends and to travel the world for free, you have taken the first important step to achieve your goal. Your new career in the cruise industry is just a few weeks away. Please check our website...complete a Cruise Employment Application and discover*

all the magic and the wonderful things that the cruise industry has to offer you”

So I went online to <http://www.shipsoncruises.com> to discover the magic and found out that: in a good month, a waiter can earn up to US\$3,500 in tips alone; a disc jockey can earn between \$1,300 and US\$1,650 per month for entertaining guests, an electrician, between US\$1,825 and US\$2,150, a cook between US\$1,700 and US\$2,000. Crew members could have “parlayed earnings into houses and businesses back home” if they chose, the site assured applicants.

However, the details I wanted were not there, prompting me to send an E-mail to [ships@jobsoncruises.com](mailto:ships@jobsoncruises.com) requesting answers to a number of questions. Firstly, I wanted to know about visa requirements and who would pick up the tab for processing the necessary visas. Secondly, I wanted to know about insurance. Did the jobs on offer come with insurance, and if they did, who would pay for the premiums?

Thirdly, would there be gratuities after tours of duty and what was the minimum tour of duty an employee would be expected to serve? Fourthly, I wanted a physical address of the operators of the company as well as a company name—something more than an E-mail address or a website. After all, it would be necessary to know where they were, just in case... Besides, in the event of the employers breaching a contract, on the basis of which law could one sue? And who would you sue?

Another thing. Though the advert had said “new job vacancies onboard cruise ships in the Caribbean”, it did not specify which countries in the Caribbean were in question. Meanwhile, the territory defined as the Caribbean comprises over 25 countries, namely and in alphabetical order: Antigua and Barbuda, Anguilla, Aruba, Bahamas, Barbados, Belize, Bermuda, Bonaire, British Virgin Islands, Cayman Islands, Cuba, Curacao, Dominica, Dominican Republic, Grenada, Guadeloupe, Guyana, Haiti, Jamaica, Martinique, Puerto Rico, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, Turks and Caicos and US Virgin Islands.

That was not all. I needed to know whether or not workers on cruise ships required employment permits and if they did, who was responsible for applying for them and what the procedures were. How long would on-the-job training take? What provisions would the employer provide for spouses and for children? In the event that an employee died at sea, was there a clause in their employment contract that provided for the transportation of their remains back to their country of origin? Or would they simply be thrown overboard, to save everybody the trouble and the cost of transportation?

In short, I thought I would ask the sort of questions a reasonable applicant would want to find out from a prospective employer, especially one without an immediate physical presence.

I never got any answers, perhaps because I asked too many questions. But I would get an E-mail dated October 6 from a Jane Kelly, Customer Services, who would write to me from another E-mail address thanking me for “contacting Ladbrokes” and assuring me that they were “investigating” my “query and would respond as soon as possible”.

Jane Kelly's mail piqued my curiosity because I had not contacted Ladbroke on care@ladbroke.com so why would Ladbroke be thanking me for contacting them? And who or what exactly was Ladbroke?

Nevertheless, I started to wonder how many people out there were chasing the dream of life and work on a cruise ship. Thousands, I would later discover. Apparently, besides the promise of an exotic life, there is something very alluring about cruise ships. The gospel according to Hollywood is that cruise ships are made for romance. Take the worst shipping disaster in living memory, transform it into a backdrop for a tragic love story, get Celine Dion to sing the heart-rending, tear-jerking sound track and hey presto, you have *Titanic*—the Oscar-award winning movie described by critics as one of the most romantic on-screen love stories of all time.

The myth of on-deck romance was responsible for the popular 80s TV hit series, *Love Boat*, a series that tried very hard to convince viewers that cruise ships are the perfect place to find love for those willing to be bold and adventurous.

Real or imagined, the allure of cruise ships translates into plenty of customers and plenty of dollars. The year 2003 saw 8 million guests boarding cruise ships. Last year, 7.6 million North Americans out of a total of 8.6 million cruise guests worldwide took to the high seas on luxury liners, reports CLIA, a non-profit organisation that represents 25 North American cruise liners.

In the main, 60 new ships will need to be built over the next five years to cater from the growing demand, and new ships will need new staff—wherever they can be found, the report adds.

And if the advert that appeared in the *Post* is anything to go by, then Zambia is as good a place as any to recruit staff.

Between October 11 and 16 this year, nine such applicants would phone the *Post* to complain that they had been taken for a ride by the advertisers. A tenth applicant, an irate woman would come to *Post* Newspapers Limited offices on October 16 to accuse the paper of publishing “a fake advertisement” calculated to mislead and defraud. She would later tell me in an interview that a friend of hers sent the dollar equivalent of K1million to an agency representing the cruise company, reportedly to facilitate the procurement of the necessary visa and to pay for the processing of “relevant documents”.

"But since he sent the money, he hasn't heard from them. I think this is very unfortunate and I am very upset with the turn of events because it is like someone out there thinks we are stupid and is out to cheat us. Fortunately, I haven't sent them any money, but this is very bad and something must be done to stop this from happening again," she said.

But where did the advert come from? How had it found itself in the local press? And where exactly did the money that applicants paid go?

By press time, the exact address the bank draft had been sent to had not been found. But investigations would reveal that the advertisements had been placed in the *Post* and the *Times of Zambia* by a local advertising agency, FCB Zambia, an affiliate of FCB Africa, on behalf of another advertising agency called I-Direct based in Panama City.

A staffer at FCB Zambia would reveal in an interview that the agency received the advertisement and a bank draft of US\$1,000 by FedEx with the instruction that a total of 18 insertions be placed in the local press. Consequently, nine adverts would be placed in the *Post*. The total cost per insertion of a 12 cm x 12 cm at the *Post* would be K247,750 – minus the 16.5 per cent agency commission that advertising agency retained. The other nine adverts would appear in the *Times of Zambia*.

"What is the name of your contact from I-Direct?" I would ask the staffer from FCB Zambia.

"A marketing assistant called Gloriana Atencio," I was told.

"Tell me, how do you establish the genuineness of the adverts you receive from agencies you cannot personally visit, like I-Direct?"

"We have no way of finding out."

"One last thing, what is Gloriana Atencio's E-mail address?"

He would spell it out for me on the phone.

I have since sent Gloriana Atencio two E-mail messages, but have received no response so far. The last E-mail I sent was dated October 16 and read in part:

"Dear Ms. Gloriana Atencio, I got your name and E-mail address from FCB Zambia advertising agency. I am writing to follow up a series of advertisements your agency, I-Direct, sent to FCB Zambia about the availability of 5,000 jobs on cruise ships in the Caribbean. The newspaper I work for carried nine insertions of the same advert from September 22 to October 10. Since then, we have been inundated with angry queries and reactions from applicants who wrote in and received no response. Others claim they sent money to an address they were given and since then, haven't received any response to their queries.



Could you please furnish me with details of the company who's only known address is jobsoncruises.com? Is there a physical address, a phone number, a fax number, a name of a contact person I could get in touch with? Do you have any idea whether jobsoncruises.com (which for some reason, also responds to care@ladbroke.com) is a genuine organisation or a fake one trying to hoodwink people around the world. I look forward to hearing from you soon..."

In the meantime, jobsoncruises.com would list 10 cruise ships as part of its world fleet. Among them, the 1,750 capacity *Celebrity*, registered in war-torn Liberia, the 2,052 *Paradise* registered in Panama, just like *Destiny*, which can carry up to 2,642 passengers and *Seabourn Spirit*, registered in the Bahamas.

Since I began this investigation, I have discovered many other organisations using the same methods to attract applicants for jobs in exotic locations. Pamela Musonda of Lusaka would send an E-mail to [www.jobs@caledonianoffshore.com](mailto:www.jobs@caledonianoffshore.com) in response to an advert which appeared in the *Post* on April 8 this year for a job with Caledonian Offshore Ltd. — a Canada-based company.

The jobs on offer, according, to the advert, also placed by FCB Zambia on behalf of I-Direct in Panama City, were for: administrative personnel, room stewards, hotel and catering staff, electricians and repairmen. The advert also informed would-be applicants like Pamela Musonda that their salaries would be tax-free and they would be entitled to 219 off-days in a year. Eligible applicants would need to be between 20 and 40 years old.

Pamela would receive a letter dated May 16 2003 by snail mail with two enclosures. One of these was a letter informing her about "new job openings in the Offshore Oil Industry and the need for new personnel (skilled and unskilled workers) to work on offshore oil platforms". The letter would "invite" her to "participate in the expansion of new employment opportunities" which, though hard, paid handsomely—between US\$250 and US\$380 per day.

It would also inform her that she would not need to apply for a work permit or visa "at the moment" because that would depend on which country she would be sent to work in. The options, the letter added, were many: the Middle East, the Gulf of Mexico, the North Sea, South East Asia, West Africa and Kazakhstan. The contract period was at least one year, during which time Caledonian Offshore Limited would provide free accommodation and free food on the oil rigs and pay for a roundtrip flight for a one-month vacation — something all workers were entitled to.

Ms. Musonda would also receive an Agreement Form signed by company President, Philip M. Croshaw which would inform her that she would be required to pay Caledonian Offshore Ltd. a sum of US\$438 for its services. According to the Agreement Form, payment would be made in two parts:

US\$189.00 should be paid IMMEDIATELY (their emphasis) as a retainer fee, to start the processing of her documents; US\$249.00 to be paid AFTER she receives a firm job offer, accepts the offer of employment, and receives all the necessary legal documentation, permits and other documents to enable her work aboard an offshore oil platform.

Caledonian Offshore Limited, she would be told, would “handle all written and verbal negotiations with your potential employers concerning such matters as conditions of service, salary, hours of work, benefits etc.”

Ms. Musonda did not send the first instalment because she did not have it. But a group of five friends, two of whom work for government Printers in Lusaka, were not so lucky. The thought of making up to US\$380 a day was enough to persuade them to send their first instalment by bank draft before the June 26 deadline. They have been waiting ever since. They were reluctant to show the customer copies of the bank drafts they had sent to Caledonian Offshore Limited.

A bank draft is a demand-drawn internationally accepted instrument for making payments in convertible international currencies like US dollars, British pounds sterling and euros. It instructs the recipient bank to pay the bearer, be it an individual or a company the amount of money specified on the draft. Bank drafts are account payable only, which means the recipient cannot negotiate them over a counter but has to pay them into a bank account. In short, you can pay a draft into any bank anywhere in the world you have an account. In the same vein, you can draw the money from any bank anywhere in the world you have an account. Of course, the bank on which the draft is drawn will be known once the original draft document return.

Bank drafts are prepared in triplicate: the original copy, the customer copy and the bank copy. Had it been possible to get hold a customer copy, the name of the payee, in this case, Caledonian Offshore Limited, could have been re-confirmed. However, that is the only identity information a bank draft will reveal. Other details such as a physical address may appear on the bank draft application form.

And it is to a physical address — Caledonian Offshore Limited, 599-B Yonge Street, Suite 350, Toronto, Ontario, M4Y 1Z4 Canada — that the five applicants have been directing their letters. But four months after they each sent US\$189.00, they are still waiting to hear from the company and to be given some indication of what is going on.

Strangely, though the company is based in Canada, it is incorporated under the laws of Liberia, a country that has been ravaged by civil war for the past 14 years.

I asked a prominent Lusaka lawyer and businessman to explain what this meant and this is what he said,

“Investment laws of a country like Canada may require that majority shareholding be held by indigenes of the host country.”

In other words, if a foreign company wants to set up business in another country, the host country will insist that local shareholders and directors have 51 per cent shares, with the foreign company retaining 49 per cent shares. Usually, this arrangement is just on paper. What happens is that the foreign company will simply use the names of the directors and shareholders from the host country in all official and legal documents just to appear legitimate. In actual fact, the foreign company is in full control of all the business.

The lawyer added;

“In a situation like this, where the foreign company is incorporated in a country like Liberia which has been at war for many years, it becomes very difficult to find any evidence about the exact nature of the company. This is probably deliberate because if you fail to find anything tangible on the ground in Liberia, they will say: don't blame us — there has been a war going on. The bottom line is, when people in this kind of business tell you that they want money up front, like Caledonian Offshore Limited have done, then you know it's a scam. But this is just my opinion.”

However, it was not possible to get details about Caledonian Offshore Limited, its operations and its legal status from the Canadian High Commission.

I would share the findings of my investigation with Mr. Tayani Zimba, Managing Director of FCB Zambia, the advertising agency that had been placing the adverts in the *Post*, on behalf of I-Direct in Panama City, Panama, South America.

He said in an interview;

“Actually, there is a direct marketing company based in Panama City who ask us to place adverts in the local press for them — for the standard 16.5 per cent commission. They send us the negatives of the adverts and our payment and we place the ads for them. Ours is just media facilitation. We are not in any way involved in the recruitment process. We thought, from our perspective, that this is an organisation that is providing jobs.

As a company, we would want to see how far your investigations will go because we wouldn't want to deal with an organisation of the nature that you are describing. But for now, I would like to respect the integrity of my clients until I have irrefutable evidence of something unbecoming. As far as we know, they are outstanding clients,” Mr. Zimba said.

Outstanding clients they may be, but so far, facts on the ground show that some people have actually been swindled out of their money. All they want is

their money back and some safeguards to ensure that what happened to them doesn't happen again.

In the main, newspapers will have to guard against publishing adverts from shady organisations with dubious motives and to protect their readers from being taken for a ride.

## Appendix II Joint Journalism Code of Ethics Agreed by ZIMA and PAZA

### *Preamble*

The purpose of distributing news and informed opinion is to serve the general welfare. Journalists who use their professional status as representatives of the public for selfish or other unworthy motives violate a high trust. Journalists uphold the right to speak unpopular opinions and privilege to agree with the majority while at the same time defend the principle of the freedom of the press in relation to the collection of information and the expression of comment and criticism.

ZIMA and PAZA members therefore pledge to abide by the following ethics:

- 1. The public has the right to know the truth. Therefore journalists have a duty to report the truth either as representing objective reality or represent what the source says fairly, accurately and objectively.*
- 2. Newspaper headlines should be fully warranted by the contents of the articles they accompany. Photographs and telecasts should give an accurate picture of an event and not highlight an incidence out of context.*
- 3. Journalists should respect the confidentiality of sources to whom they pledge anonymity.*
- 4. Only fair methods should be used to obtain news, photographs and documents except where the over-riding public interest justifies the use of other means.*
- 5. The journalists should regard as grave professional offence, the acceptance of bribes in any form in consideration of either dissemination or suppression of information.*
- 6. The journalists shall rectify promptly any harmful inaccuracies, ensure that correction and apologies receive due prominence and afford the right to reply to persons criticised when the issue is of sufficient importance.*

## **Appendix III International Principles of Professional Ethics in Journalism**

### *Principle I*

#### *People's right to true information*

People and individuals have the right to acquire an objective picture of reality by means of accurate and comprehensive information as well as to express themselves freely through the various media of culture and communication.

### *Principle II*

#### *The Journalist's dedication to objective reality*

The foremost task of the journalists is to serve the people's right to true and authentic information through an honest dedication to objective reality whereby facts are reported conscientiously in their proper context, pointing out their essential connections and without causing distortion, with due deployment of that the public is provided with adequate material to facilitate the information of an accurate and comprehensive picture of the world in which the origin, nature and essence of events, processes and states of affairs are understood as objectively as possible.

### *Principle III*

#### *The Journalist's Social Responsibility*

Information in journalism is understood as social good and not as a commodity, which means that the journalist shares responsibility for the information transmitted and is thus accountable not only to those controlling the media but ultimately the public at large, including various social interests. The journalist's social responsibility requires that she or he will act under all circumstances in conformity with a personal ethical consciousness.

### *Principle IV*

#### *The Journalist's Professional Integrity*

The social role of the journalist demands that the profession maintains high standards of integrity, including the journalist's

right to refrain from working against his or her conviction or from disclosing sources of information as well as the right to participate in the decision-making of the medium in which he or she is employed. The integrity of the profession does not permit the journalist to accept any form of bribe or the promotion of any private interest contrary to the general welfare. Likewise, it belongs to professional ethics to respect intellectual property and, in particular, to refrain from plagiarism.

### *Principle V*

#### *Public Access and Participation*

The nature of the profession demands that the journalist promote access by the public to information and participation of the public in media, including the right of correction or rectification and the right of reply.

### *Principle VI*

#### *Respect for Privacy and Human Dignity*

An integral part of the professional standards of the journalist is respect for the right of the individual to privacy and human dignity, in conformity with provisions of international and national law concerning protection of the rights and the reputation of others, prohibiting libel, calumny, slander and defamation.

### *Principle VII*

#### *Respect for Public Interest*

The professional standards of the journalist prescribe due respect for the national community, its democratic institutions and public morals.

### *Principle VIII*

#### *Respect for Universal Values and Diversity of Cultures*

A true journalist stands for the universal values of humanism, above all, peace, democracy, human rights, social progress and national liberation, while respecting the distinctive character, value and dignity of each culture, as well as the right of each people freely to choose and develop its political, social, economic and culture systems.

Thus, the journalist participates actively in the social transformation towards democratic betterment of society and contributes through dialogue to conducive peace and justice everywhere, to détente, disarmament and national development. It belongs to the ethics of the profession that the journalist be aware of relevant provisions contained in international conventions, declarations and resolutions.

### *Principle IX*

#### *Elimination of War and Other Great Evils Confronting Humanity*

The ethical commitment to the universal values of humanism calls for the journalist to abstain from any justification for, or incitement to, wars of aggression and arms race, especially in nuclear weapons, and all other forms of violence, hatred or discrimination, especially racialism and apartheid, oppression by tyrannical regimes, colonialism and neo-colonialism, as well as other great evils which afflict humanity, such as poverty, malnutrition and diseases. By so doing, the journalists can help eliminate ignorance and misunderstanding among peoples, make nationals of a country sensitive to the need and desires of others, ensure the respect for the peoples and all individuals without distinction of race, sex, language, nationality, religion or philosophical conviction.

#### *The Principle of a New World Information and Communication Order*

The journalist operates in the contemporary world within the framework of a movement towards new international economic relations in general and a new information order in particular. This new order, understood as an integral part of the new international economic order, is aimed at the decolonisation and democratisation of the field of information and communication, both nationally and internationally, on the basis of peaceful existence among peoples and with full respect for their cultural identity. The journalist has a special obligation to promote the process of democratisation of international relations in the field of information, in particular by safeguarding and fostering peaceful and friendly relations among states and people.



## **Appendix IV Society of Professional Journalists Code of Ethics**

*The society of professional journalists believes the duty of journalists is to serve the truth.*

- We believe the agencies of mass communication are carriers of public discussion and information, acting on their constitutional mandate and freedom to learn and report facts.
- We believe in public enlightenment as the forerunner of justice, and in our constitutional role to seek the truth as part of the public's right to know the truth.
- We believe those responsibilities carry obligations that require journalists to perform with intelligence, objectivity, accuracy and fairness.
- To these ends, we declare acceptance of the standards of practice here set forth:

### *Responsibility*

The public's right to know of the events of public importance and interest is the overriding mission of the mass media. The purpose of distributing news and enlightened opinion is to serve the general welfare. Journalists who use their professional status as representatives of the public for selfish or other unworthy motives violate a high trust.

### *Freedom of the Press*

Freedom of the press is to be guarded as an inalienable right of the people in a free society. It carries with it the freedom and the responsibility to discuss question and challenge actions and utterances of our government and of our public and private institutions. Journalists uphold the right to speak unpopular opinions and the privilege to agree with the majority.

### *Ethics*

*Journalists must be free of obligation to any interest other than the public's right to know the truth.*

1. Gifts, favours, free travel special treatment or privileges can compromise the integrity of journalists and their employers. Nothing of value should be accepted.
2. Secondary employment, political involvement, holding public office and service in community organisations should be avoided if it compromises the integrity of journalists and their employers. Journalists and their employers should conduct their personal lives in a manner, which protects them from conflict of interest, real or apparent. Their responsibilities to the public are paramount. That is the nature of their profession.
3. So-called news communications from private sources should not be published or broadcast without substantiation of their claims to news value.
4. Journalists will seek news that serves public interest, despite the obstacles. They will make constant efforts to assure that the public's business is conducted in public and that public records are open to public inspection.
5. Journalists acknowledge the newsmen's ethics of protecting the confidential sources of information.

### *Accuracy and Objectivity*

*Good faith with the public is the foundation of all worthy journalism.*

1. Truth is our ultimate goal.
2. Objectivity in reporting the news is another goal, which serves as a mark of an experienced professional. It is the standard of performance towards which we strive. We honour those who achieve it.
3. There is no excuse for inaccuracies or lack of thoroughness.
4. Newspaper headlines should be fully warranted by the contents of the articles they accompany. Photographs and telecasts should give an accurate picture of an event and not highlight a minor incident out of context.
5. Sound practice makes clear distinction between news reports and expressions of opinion. News reports should be free of opinion or bias and represent all sides of an issue.

6. Partisanship in editorial comment, which knowingly departs from the truth, violates the spirit of American journalism.
7. Journalists recognise their responsibility for offering informed analysis, comment and editorial opinion on public events and issues. They accept the obligation to present such material by individuals whose competence; experience and judgement qualify them for it.
8. Special articles or presentations devoted to advocacy or writers own conclusions and interpretations should be labelled as such.

### *Fair Play*

*Journalists at all times will show respect for the dignity, privacy, rights and well-being of people encountered in the course of gathering and presenting the news.*

1. The news media should not communicate unofficial charges affecting the reputation or moral character without giving the accused the chance to reply.
2. The news media must guard against invading a person's right to privacy.
3. The media should not pander to morbid curiosity about details of vice and crime.
4. It is the duty of news media to make prompt and complete correction of their errors.
5. Journalists should be accountable to the public for their reports and the public should be encouraged to voice its grievances against the media. Open dialogue with our readers, viewers or listeners should be fostered.

### *Pledge*

Journalists should actively censure and try to prevent violations of these standards, and they should encourage their observance by all news people. Adherence to this code of ethics is intended to preserve the bond of mutual trust and respect between the American journalist and the American people.

## **Appendix V American Society of Newspaper Editors Statement of Principles**

The First Amendment, protecting freedom of expression from abridgment by any law, guarantees to the people through their press a constitutional right, and thereby places on newspaper people a particular responsibility.

The journalism demand of its practitioners not only industry and knowledge but also the pursuit of a standard of integrity proportionate to the journalist's singular obligation.

To this end the American Society of Newspaper Editors sets forth this Statement of Principles as a standard encouraging the highest ethical and professional performance.

### *ARTICLE I: Responsibility*

The primary purpose of gathering and distributing news and opinion is to serve the general welfare of the people and enabling them to make judgements on the issues of the time. Newspapermen and women who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust.

The American press was made free not just to inform or just to serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government.

### *ARTICLE II: Freedom of the Press*

Freedom of the press belongs to the people. It must be defended against encroachment or assault from any quarter, public or private.

Journalists must be constantly alert to see that the public's business is conducted in the public. They must be vigilant against all that would exploit the press for selfish purposes.

### *ARTICLE III: Independence*

Journalists must avoid impropriety and the appearance of impropriety as well as any conflict of interest of the appearance of

conflict. They should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity.

#### *ARTICLE IV: Truth and Accuracy*

Good faith with the reader is the foundation of good journalism. Every effort must be made to ensure that the news content is accurate, free from bias and in context, and that all sides are presented fairly. Editorials, analytical articles and commentary should be held to the same standards of accuracy with respect to facts as news reports. Significant errors of fact, as well as errors of omission, should be corrected promptly and prominently.

#### *ARTICLE V: Impartiality*

To be impartial does not require the press to be questioning or to refrain from editorial expression. Sound practice, however demands a clear distinction for the reader between news reports and opinions. Articles that contain opinion or personal interpretation should be clearly identified.

#### *ARTICLE VI: Fair play*

Journalists should respect the rights of people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of their news reports.

Persons publicly accused should be given an opportunity to respond. Pledges of confidentiality to news sources must be honoured at all costs and therefore should not be given lightly. Unless there is clear and pressing need to maintain confidences, sources of information should be identified.

These principles are intended to preserve, protect and strengthen the bond of trust and respect between American journalists and the American people, a bond that is essential to sustain the grant of freedom entrusted to both by the nation's founders.

This Statement of Principles was adopted by the ASNE Board of Directors on October 23, 1975; it supplants the 1922 'Canons of Journalism'.

## **Appendix VI Radio/Television News Directors Association Code of Broadcast News Ethics**

The members of the Radio/television News Directors Association agree that their prime responsibility as journalists – and that of broadcasting industry as the collective sponsor of news broadcasting – is to provide to the public they serve as a news service as accurate, full and prompt as human integrity and devotion can devise. To that end, declare their acceptance of the standards of practice here set forth, and their solemn intent to honour them to the limits of their ability.

### *ARTICLE I*

The primary purpose of broadcast journalists – to inform the public of events of importance and appropriate interest in a manner that is accurate and comprehensive – shall override all other purposes.

### *ARTICLE II*

Broadcast news presentation shall be designed not only to offer timely and accurate information, but present it in the light of relevant circumstances that give it meaning and perspective.

This standard means that news reports, when clarity demands it, will be laid against pertinent factual background; that factors such as race, creed, nationality or prior status will be reported only when they are relevant; that comment or subjective content will be properly identified; and that errors in fact will be promptly acknowledged and corrected.

### *ARTICLE III*

Broadcast journalists shall seek to select materials for newscast solely on their evaluation of its merits as news.

This standard means that news will be selected on the criteria of significance, community and regional relevance, appropriate human interest, and service to define audiences. It excludes sensationalism or misleading emphasis in any form; subservience to external or interested efforts to influence news selection and presentation, whether from within the broadcasting industry or

from without. It requires that such terms as bulletin and flash be used only when the character of the news justifies them; that bombastic or misleading descriptions of newsroom facilities and personnel be rejected, along with undue use of visual effects; and that promotional or publicity material be sharply scrutinised before use and identified by source or otherwise when broadcast.

#### *ARTICLE IV*

Broadcast journalists shall at all times display humane respect for the dignity, privacy and the well being of persons with whom the news deals.

#### *ARTICLE V*

Broadcast journalists shall govern their personal lives and such non-professional associations as may impinge on their professional activities in a manner that will protect them from conflict of interest, real or apparent.

#### *ARTICLE VI*

Broadcast journalists shall seek actively to present all news the knowledge of which will serve the public interest, no matter what selfish, uninformed or corrupt efforts attempt to colour it, withhold it, or prevent its presentation. They shall make constant effort to open doors closed to the reporting of public proceedings with tools appropriate to broadcasting (including cameras and recorders), consistent with the public interest. They acknowledge the journalist's ethic of protection of confidential information and sources, and urge unswerving observation of it except in instances in which it would clearly and unmistakably defy the public interest.

#### *ARTICLE VII*

Broadcast journalists recognise the responsibility borne by broadcasting for informed analysis, comment and editorial opinion on public events and issues. They accept the obligation of broadcasters, for the presentation of such matters by individuals whose competence, experience and judgement qualify them for it.

#### *ARTICLE VII*

In court, broadcast journalists shall conduct themselves with dignity, whether the court is in or out of session. They shall keep broadcast equipment as unobtrusive and silent as possible. Where court facilities are inadequate, pool broadcasts should be arranged.

*ARTICLE IX*

In reporting matters that are or may be litigated, the journalists shall avoid practices, which would tend to interfere with the right of an individual to a fair trial.

*ARTICLE X*

Broadcast journalists shall not misrepresent the source of any broadcast news material.

*ARTICLE XI*

Broadcast journalists shall actively censure and seek to prevent violations of these standards and shall actively encourage their observance by all journalists, whether of the radio/television News Directors Association or not.