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THE IMPACT OF THE 2003 NATIONAL CULTURAL POLICY ON THE PERFORMING ARTS INDUSTRY IN ZAMBIA WITH SPECIFIC REFERENCE TO WORKING CONDITIONS

THE IMPACT OF THE 2003 NATIONAL CULTURAL POLICY ON THE PERFORMING ARTS INDUSTRY IN ZAMBIA WITH SPECIFIC REFERENCE TO WORKING CONDITIONS.

BY

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PRESENTED TO THE ARTS, CULTURE & HERITAGE MANAGEMENT DIVISION, WITS SCHOOL OF ARTS, UNIVERSITY OF THE WITWATERSRAND, IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF MASTER OF ARTS DEGREE IN ARTS, CULTURE & HERITAGE MANAGEMENT.

NOVEMBER, 2007.

THIS IS TO CERTIFY THAT THIS IS MY OWN ORIGINAL RESEARCH WORK AND WHEREVER SOURCES HAVE BEEN QUOTED OR USED, FULL ACKNOWLEDGEMENT HAS BEEN MADE.

PRINCE F.M. LAMBA 

DEDICATION

Dedicated to my wife, Catherine Kachonka Lamba and son, Prince Asher Mwenya Lamba. You are the reasons and inspirations for my works. I will always love and care for you until death do us apart. Stay blessed!

In memories of my late mother Mrs. Maureen Chishala Lamba and my brothers Webster Mwansa Lamba (Fazy Coatezy), Gabriel Chansa Lamba (Sa Chansa) and Richard Miyambo Lamba (Papa Gorolde) who passed on in 2000, 1989, 1997 and 2002 respectively. It is so sad that you have not lived to see me accomplish some of my academic and professional ambitions. Nevertheless, I trust in the good Lord that all is fine with you all as we await the coming back of Jesus the King of Kings. Alleluia!

ACKNOWLEDGEMENT

Words cannot describe the many valuable forms of assistance given to me during my project research work and the subsequent writing of this report by lectures, relatives and friends. I am greatly indebted to my supervisor Mr. Brett Pyper whose guidance and suggestions made clear to me a number of important shortcomings. Many thanks go to Mr. Joseph Gaylard for having agreed to be my reader, Ms. Monica Newton for the interest and support she showed and rendered and Ms. Lushy Konar for having been always there for me whenever I needed her help. Thanks to you all!

I also wish to express my warmest appreciation to Mr. William Miko, Mr. Roy Kausa and the staff at Twaya Arts for the support and encouragement they have always been giving me. Special acknowledgment goes to the following: Mr. Charles Yamba and family of South Africa for their logistical support, Mr. Jacob Chirwa of the National Arts Council of Zambia, Mr. Dunstan Chola and family of Zambia for their logistical assistance. Not forgetting all relatives and friends both in South Africa and Zambia for the various roles they played in my life during the period of my studies. Never relent on your good deeds!

Greatly indebted to are my son, wife, sisters and father for their enduring love and support throughout my academic and professional endeavour that have considerably kept me away from home, away from their warmth presences and love. Keep the faith!

Lastly, my sincerest thanks go to God Almighty for my good health, strength and care throughout my studies in South Africa, and for being my family's provider and protector during my absence from home. All nations praise him! Let his name be glorified!

ABSTRACT

The purpose of the project research was to investigate the impact of the Zambian 2003 national cultural policy on the performing arts industry with specific reference to working conditions both in the public and private domains in Zambia. It is also an effort to assess the efficacy of the cultural policy within a broader policy environment. Generally, two categories of performing artists namely the publicly and privately sponsored exist in Zambia. Two sample groups representing the two categories of performing artists were consulted in the study. The publicly sponsored sample was drawn from the uniformed services and the national dance troupe while the privately sponsored performers were represented by a selection of performers who do not work in the civil service.

The methodology included field and desk research in which social-scientific and humanistic methods involving structured and semi-structured interviews were used, coupled with the use of textual materials from employment and performance contracts, civil service terms of employment, the National Arts Council Act, national arts associations' constitutions, cultural and labour policies among others.

The results revealed mixed reactions from all the respondents with regard to the research question; however it became apparent that the policy had not positively impacted on the industry as the negative responses outweighed the positive feedback. Despite the policy theoretically addressing a number of issues in the arts industry, it was very difficult to practically implement the strategies therein successfully. A number of reasons can be advanced for the inefficiency such as lack of matching sectoral legislation to enforce the policy and the absence of a union to complement government's efforts. It was further discovered that to some extent, the formulation of the policy was rushed and did not very well fit into the traditional perspectives of the people about the arts industry. This reinforces the question of whether is it necessary for all nations to have cultural policies when supporting institutional and legal frameworks are not in place. The Zambian case reveals the pitfalls in legislating culture.

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Chapter 1

1.0 Introduction

This thesis discusses the impact of the 2003 Zambian national cultural policy on the performing arts industry with specific reference to working conditions. The 2003 national cultural policy is the first ever legislation to be formulated and implemented to govern the arts and cultural sector after 39 years of the country's independence in 1964. For the purpose of this study, music, dance and drama are the main reference point for performing arts. The reason for singling out the three performing art forms is that these are widely spread and are commonly practised.

Performing arts in Zambia like in many other African countries were historically organized as communal activities and constitutive of the norms of the communities that practised them. Most of the norms did not encourage material rewards especially in the form of payments for artistic services, but quite often the performers were given social recognition for their talents. This was so because performing arts were not considered as a rewarding vocation but rather a social responsibility for a gifted individual to perform for the community.

This in a way had disadvantaged performing arts practitioners since it did not conceive of their cultural expressions in terms of rights and benefits as creative and cultural workers. It is partly upon this understanding that the Zambian government in 2003 implemented the national cultural policy so that among other things, the performing arts industry could be developed to minimum acceptable international standards while at the same time up-lift the social and artistic standards of the practitioners. However, three years after the policy was implemented, there are still a number of concerns affecting the performing arts industry. One of such concerns is about the working conditions.

1.1 Aim

The aim of the study is to investigate the impact of Zambia's 2003 national cultural policy on the performing arts with specific reference to working conditions both in public and private funded/managed domains.

1.2 Significance of Study

The study of the performing arts industry during the pre- and post-cultural policy eras helps to assess the impact of the policy on the industry and at the same time ascertain the efficacy of a policy in an environment where other relevant matching policies do not seem to be in existence. Through the processes of studying the two policy eras, the relevancies and necessities for implementing cultural policies are discussed. It is believed that by taking the project as a study case and considering the discussions therein, this effort will contribute to arts management scholarship in general and precisely to those working in the public sector and other institutions where policy making and analysis constitutes an important operational component.

It is also hoped that the findings of the study will equally provide feedback particularly to the Zambian bureaucrats on such policy issues like remunerations, provisions for social security protection, health and safety of the performing artists among other things. The study, to some extent reveals how historical backgrounds of performing artistry and perceptions about artists including other social and cultural institutional arrangements can play a big role in directing the courses of arts and cultural policies in different societies. It further shows the importance of a better understanding and consideration of the peoples' traditional view points of the arts and status given to arts practitioners as being among factors responsible for determinations on the formulation and implementation of cultural policies, especially in developing countries where professionalism in arts and cultural practices is traditionally not a common phenomenon.

1.3 Scope, Limitations and Sample Groups

Due to the scope of the study, research was mainly conducted in Lusaka province because all types of informants are well represented in this region, although some research activities were extended to the Copper belt and Southern regions as well. Copper belt and Southern provinces are also homes to some of the country's performers, particularly the members of the Livingstone based national dance troupe in Southern province. As such, it became prudent to supplement the information collected in Lusaka with the information from the two provinces. The project employed two sample groups that generally represent two major categories of performing artists which are commonly found in Zambia.

The first sample group consisting of members of the national dance troupe (NDT) and Zambia national service (ZNS), represents the publicly managed performing artists. The second sample group which is made up by a selection of members of the national arts associations, including individuals and groups, represents artists who are managed privately and those who are freelancers respectively. It must be mentioned here that the study did not in principle involve privately sponsored performers who do not belong to arts associations, as such; the views and findings about this category strongly reflect the situations of the arts associations' memberships. In addition, the under-listed stakeholders also valuably contributed to the study: National Arts Associations, National Arts Council of Zambia, Department of Cultural Services, Central Statistics Office, and Department of Labour, ILO National Office, entertainment houses, recording houses and individual sponsors.

1.4 Theoretical Framework

In an attempt to ascertain an overview of the performing arts industry and the protection of performing artists' social and artistic rights in Zambia, the analytical framework of the study draws from the general assumption that governmental interventions play a major role in ensuring protection of social and artistic rights of artists and therein providing for favourable working conditions. Particular attention is given to cultural and to some extent labour policies as government interventions. In addition, Blum's (1985)

theoretical assertions about unionism in the performing arts as playing a role in ensuring protection of the artists' rights also informs the research study.

The analytical framework allows for a wide range of issues to be examined concerning working conditions as revealed by the informants in order to generate data on the efficacy of the cultural policy and its impact on the performing arts in the country within the current policy environment. The study is therefore concerned with the ways in which the policy has impacted on performing arts with particular reference to working conditions; the artists' artistic and social security, and how artistic creativity can be given value in a labour dispensation and economy both in the public and private sectors.

1.5 Literature Review

Several literatures exist on different arts and cultural topics about Zambia that reflect a general broader view of the industry. However, very little literature if any is readily available specifically about policy issues and how these have impacted on the lives and work of arts practitioners in Zambia. When and where available, most of the current literatures discuss western situations which are informed by different historical and institutional backgrounds that do not quite well correspond with most African contexts, particularly the Zambian. Nonetheless, the absence of sufficient literature has not been a disservice to the study, but rather a motivation for further research. Inescapably, this research work therefore depended mainly on foreign western literatures and other references from elsewhere.

Current literatures on the arts and creative industries have noted that the industries are taking centre stage in world economies. Tepper (2002), concerns himself with a better understanding of how creative work and institutions are changing and positioning themselves in the global economies. Reports in D. Moyo's Cultural Mapping Exercise (2004) conducted in Zambia between 2002 and 2003, however, reveal otherwise about the country's arts and cultural industry which he reports of not having any significant impact on the economy in terms of job creation and revenues. In fact and for this reason, the arts and cultural sector, according to the report is combined with recreation and

religion in the national statistics and its contribution to the gross development product (GDP) has remained negligible for some time, standing at 0.003 percent on an annual basis from 1998 to 2002.

The Cultural Mapping Exercise points to a number of reasons for the sector's insignificant role in the country's economic development, among these are: limited and ineffective support policies and programmes, limited local and foreign investments in the cultural industries, limited production, commercialisation and distribution infrastructure, limited capacity to adapt artistic creations and cultural goods to the characteristics of international demand. The impression created by Moyo's observation is that, not until the above cited lapses are put in place or improved upon will the performing arts industry in Zambia make a meaningful contribution to the economic life of the country. Similarly, Bjorkegren (1996), also propounds the realization of commercial value of the arts and notes that there should be matching economic policies to facilitate this. Accordingly, this writer also believes that economic policies should equally be matched with progressive cultural and labour policies, as the consequences of lacking this complementary existence of policies is later evidenced in the Zambian case.

According to an International Labour Organisation (ILO) study report of 2001 on music performers, musicians in Africa, Asia and Latin America are said to be living in very precarious conditions. A large portion of performing artists work as freelancers, meaning that there is practically no social protection in place owing to the meagre and irregular incomes. Where salaried employment exists, it is usually on fixed term contracts. Fixed duration employment in policy pronouncements offer little real stability of employment. The report further adds:

> Because the employment status of musicians is frequently insecure and "independent", they are often not covered by social security schemes.

In the same vein, Fashoyin (2002) observes that the informal sector (under which most of the artistic activities in Zambia fall) is not covered by employment protection legislation. Such a revelation provokes questions about artists' social and artistic protection being guaranteed on one hand, and on the other being realised. Furthermore, consistency and

dialogue are lacking within the general policy environment, which makes certain policies less relevant and reduces their efficacy. The concern about artists' social security and protection of the rights of artists is not only peculiar to Zambia but is encountered the world over. It is in this regard that the Compendium of Cultural Policies and Trends in Europe (2006) reports that France, Germany, Canada and Belgium have enacted social security Acts during the years 1977, 1983, 1995 and 2003 respectively, to protect self employed artists.

While it may be argued that the arts industry in Zambia is not well developed like in Europe and that its current contribution to the country's economy is minimal and therefore may not warrant such legislation, it is also important to acknowledge that Zambia is part of the global community and a signatory to international conventions. She cannot therefore afford to lag behind on the new developmental trends that are pushing the sector forward into a more effectively regulated industry. It is further argued that as long as there are injustices at work places and lack of government political will to address labour - management disputes, there will always be antagonisms between the two parties. This is understandably so because as Taylor and Barresi (1984, p.26) elaborate about the USA:

> In 1961, the intervention of the Labour department in the Metropolitan Opera strike was a significant step along the road to government arts involvement.

The above scenario sheds light on how governmental interventions can play a major role in ensuring job protection and social security of not only public workers but also those in the private sector. On the other hand, artists especially those in the private domain should also be proactive in organising themselves and ensuring that their artistic and social rights are protected. It is for this reason that musicians in America have not only commercialized their works but have also formed unions to provide stability in the performing arts, protect themselves from exploitation and address specific grievances, (Blum 1985, p.68). With particular reference to the Zambian situation, Moyo (2004) reports that by 2003 preparatory consultations among stakeholders to establish a union for performing arts had already started. Ironically, the union has up to date not been formed for various reasons.

The ILO study report (2001), further notes that in most African countries there is no system of social protection covering artists except for civil servant artists. This statement indicates a partial effectiveness of implementing and monitoring social protection policies on the part of most African governments. Zambia is one such country with a system that recruits artists into the civil service either as classified employees (CEs) who were formerly known as casual daily employees (CDEs) or permanent and pensionable employees, and as such these civil servant artists enjoy full civil service conditions including benefits of social schemes.

1.6 Methodology

The section discusses the research methods and procedures used for collecting data in this research. Polit and Beck (2004, p.723) defines methodology as being "steps, procedures and strategies for gathering and analysing data". In this study, a qualitative approach was mainly adopted as opposed to quantitative. According to Veal (1997), qualitative research does not concern dealing with numbers but it instead involves the collection of a great deal of data about a small number of participants rather than a limited amount of data about a large number of participants. Almost all the data in the study was collected in word form as opposed to numerical information.

1.6.1 Study Sample Groups

The sample groups represented both the publicly and privately sponsored performing artists. The following were involved in the project: The Zambia National Service performing groups (music, dance and drama) and the national dance troupe represented publicly sponsored performers, while a selection of performers who are affiliated to the Zambia Association of Musicians represented privately sponsored performers. A total number of 50 principal respondents representing all performing art forms covered in the study were interviewed of which twenty were publicly sponsored while the other 30 represented the privately sponsored and freelancing performers. The selection of the Zambia National Service performing groups and the national dance troupe for publicly sponsored respondents was due to the fact that these groups are sponsored by government and are resident in Lusaka. Furthermore, the public sponsored sample groups encompass

all forms of performing arts discussed in the report.

As for the privately sponsored performers, certain individuals were selected because firstly, they belong to some arts association which made it easy to obtain authority from the National Arts Council as requirement for conducting research. Secondly, views of the members of arts associations are locally believed to be substantial and representative as compared to those of freelancers. In addition to the sample groups, a considerable number of random interviews were also conducted during the same period among people who are not necessarily represented by either of the sample groups but whose views were rather relevant and significant to the study.

1.6.2 Pilot Study

A pilot study is a small scale study conducted in the field before embarking on the actual research (Polit *et al.* 2001). Pilot studies help in providing advance warnings about the pitfalls during the actual research and also help researchers to adequately in anticipation. A pilot research was conducted in 2006 to ascertain the need for research on the impact of the 2003 National Cultural Policy among the stakeholders in the performing arts industry. Not only was the response overwhelming but it also gave me an opportunity to establish contacts and rapport with my potential informants. It also enabled me to be acquainted with procedures for obtaining authority to access potential informants especially those serving in the public service.

1.6.3 Gaining Access to Research Sites

In addition to ethical considerations, it was important that I sought written authority from the Ministry of Defence to gain access into the Zambia National Service cantonments because these are military establishments in which the performing artists who are sponsored by the Zambia National Service are found. Likewise, I also obtained authority from the Ministry of Community Development and Social Services which manages the national dance troupe under the Department of Cultural Affairs. In view of the fact that privately sponsored performers belong to different arts associations and are usually hired by different people for short engagements that occur irregularly, it sufficed to obtain authority from the National Arts Council as a representative of all arts associations being

the supreme arts governing body in the land (See Appendixes 5, 6 &7).

Apart from obtaining authority to access the research sites, personal consent was also obtained from the informants who were told about the objectives of the research and that their information would provide a basis for assessing the impact of the current policy which will also set a foundation for the formation of future policies. It must also be noted that the "top down" approach for seeking permission to interview the potential informants especially in the publicly sponsored domain created some risks and an uneasy situation for them in that there was a likelihood for intimidation from their superiors and a possible tendency by authorities to influence the views of the respondents. In this regard, in order to uphold the confidentiality of the informants and allay the fears of taking part in the research, interviews were only conducted where and when the informants felt it was free. This involved conducting interviews away from the presence of their supervisors and non-disclosure of participants' names without personal consent.

1.6.4 Data Collection Methods

The methodology included field and desk research in which social-scientific and humanistic methods involving structured and semi-structured interviews were used (See Appendix 2). Apart from conducting interviews, textual materials from civil service terms of employment, the national arts council act, national arts associations' constitutions, cultural and labour policies were also used to generate data though however these may not be have been quoted in the text. Furthermore, data from other relevant institutions such as the Central Statistics Office, Ministry of Finance and National Planning, Zambia Copyright Society and the Institute for Economic and Social Research at the University of Zambia were used. This was also supplemented by the knowledge and experience the author has acquired as a performing artist, administrator and educator of artists; attributes which put him in a better position to evaluate certain information and at the same time provided for easier conversance and understanding of the research field.

Chapter 2

OVERVIEW OF THE PERFORMING ARTS INDUSTRY AND POLICY IN ZAMBIA.

2.0 Historical Perspective

The development and practice of performing arts in Zambia is firmly rooted in traditional ceremonies and communal festivities, which include among others; theatre, music, dance and folklore. The stories told, songs sung and dances performed are a depiction of the peoples' life; they celebrate birth, marriage, victories, initiations into man/womanhood, good harvest, sorrows and include general social commentary. Such forms of artistic and cultural expressions continue to provide an element of continuity and an important source of cultural identity and pride in urban and rural communities alike. Through processes of continuity and change, the performing arts have been evolving. Performance traditions have been kept alive by being transposed onto modern stages, into community halls, television and radio, thereby contributing to the creation and maintenance of Zambian cultural identity.

Historically, performing arts in Zambia as already observed have been a communal activity and to that extent fell under the custodianship of chiefdoms. Zambia has 73 ethnic groups, which are broadly classified into 7 main language groups. These include the Nyanja speaking groups from Eastern province, the Tonga from Southern province, the Lozi from Western province, the Bemba from Northern, the Lunda from Luapula/North-western provinces, the Luvale and Kaonde from North-western province. The country's ethnic diversity results in over 58 traditional ceremonies taking place countrywide every year.

The advent of colonialism in Africa and Zambia in particular had a profound influence on the native culture, which also infiltrated the performance traditions, among other things. Western ideologies discouraged a lot of traditional practices on the grounds that they were "evil". This negatively affected the practice of some performance traditions and

was also detrimental to local cultural identity and values especially in urban areas which stretch within the region commonly known as the "line-of-rail". The "line-of-rail" is the most industrialised region in the country and stretches from Chililabombwe in the Copper belt province to Livingstone in Southern province. It is part of the main railway line from Cape Town, through Botswana to Bulawayo in Zimbabwe which was constructed in 1899 during the Cape to Cairo railway line project.

The restrictions imposed on native traditional practices by colonial settlers motivated a lot of kinsmen from various ethnic backgrounds to form traditional associations with the main task of preserving their cultural practices, including performances while they remained resident in urban centres. The phenomenon was not only peculiar to Zambia, but was also the case in other countries as Turino (2000), observes about Zimbabwe. On the other hand, the colonial settlers established for themselves theatre houses for the same purpose, but went further to "force" the natives to embrace the settlers' cultural practices as the only legitimate ones.

For a long time, the colonial settlers used institutions such as theatre houses or "little theatre houses" as they were locally known among other systems to advance their supposedly superior cultural practices. The little theatre houses were ideally venues for artistic performances, invariably drama performances to suit western sensibility, they also served as social gathering places exclusively for colonial settlers especially after a day's work or at weekends. There were Nine major little theatre houses which were located along the line-of-rail. There were also other smaller establishments in other towns.

After independence in 1964, however, the new indigenous government led by President Kenneth Kaunda embarked on the revival and preservation of distinctive ethnic cultural expressions such as arts performances, traditional ceremonies, folklore, etc rooted in the history of the 73 indigenous Zambian ethnic groups which were suppressed at one time. This was done through establishing public institutions such as the department of culture within government, the building of museums, protecting heritage sites etc. For instance, under Presidential decrees, Kaunda established the national dance troupe in 1966 and also

in the 1970s instituted a quota system on both national radio and television stations, to strictly air a greater percentage of Zambian musical programmes in relation to foreign ones. What is not known here is whether the performers used to receive performance or copyright royalty, an issue that may require further research.

Generally, the measures led to the revival and increased public practise of folk arts and traditions, traditional ceremonies, traditional knowledge and technologies, including the use of Zambian languages. However, since the urbanised and elite were most affected by the restrictions imposed on native traditional practices by the colonial settlers as compared to the rural dwellers due to their proximity to the settlers' authority, results of these measures were in two folds: an increased presence of "traditionalists" and the emergence of cosmopolitans who could no longer tow the traditional lines.

It is likely that this period might have also impressed on the colonial settlers, vis-à-vis their change of perception of Zambian cultural ways, which eventually resulted in some of the little theatre houses being opened to the natives and left for them to manage. One such theatre house which was handed over to the native Zambian theatre artists was the Lusaka playhouse which was firstly officially opened on 9th June 1956. Another typical example of such changes is the Theatre Arts of Zambia (TAZ) a colonial settlers' association formed to govern the theatre arts but later transformed to equally incorporate the natives in an all-embracing Zambia National Theatre Arts Association (ZANTAA) in 1974, Chirwa (2005). As already noted, the colonial settlers mainly participated in theatre arts through the performance of dramas hence making TAZ the main cultural "institution" at that time.

As a result of this development, a lot of people were enlightened and the once traditional community-based cultural practices were reframed as artistic talents giving rise to the formation of several performing groups at the dawn of this era. Despite the Kaunda government's political will to develop and promote arts and cultural activities, there was, however, no governing policy in place. According to W. Kaonga the Director of Cultural Affairs (personal communication, August 10, 2006), the running of arts and culture greatly depended on the initiatives and foresight of the incumbent persons tasked with the responsibility either in public or private sector.

Performing arts were therefore by and large organised on an ad hoc basis based on the aspirations of the communities in which they were practiced. Several groups were formed, later, alliances among artists also started being established. The performance contexts by this time had tremendously shifted from mainly being traditional and communal to include modern day situations that were part of the cash economy. Artists performed at various functions based on terms agreed upon with their clients, which was in most instances nothing to write home about, but a mere token of appreciation.

Though the process of transforming traditional community cultural practices into priced artistic works was generally acknowledged, the works were hardly accorded much monetary value. Clients of performing artists who also included the government, still continued to disregard the financial value of the arts, which in turn perpetuated the culture of free artistic services for a long time. The situation, however, gradually changed, and this could partly be attributed to government's involvement as a client and its recognition of international protocols on arts and culture as stipulated in ILO conventions No. 95: Protection of Wages, 1949, No. 102: Social Security (Minimum Standards), 1952, NO. 154: Collective Bargaining, 1981, and NO. 155: Occupation Safety and Health, 1981, which are applicable to performers.

2.1 New Horizons

From the foregoing background, it could be said that internal and external factors have been responsible for shaping the direction of the performing arts industry in Zambia. Today the performing arts in Zambia are mainly organised through institutions and associations although there are cases where artists are not directly or personally affiliated to either of the two. There are two statutory bodies (institutions) and five associations that serve and support the performing arts in Zambia. The fifth association is mostly concerned with the youth and children in theatre and as such will not form part of the discussion.

The institutions and associations are as follows: Department of Cultural Affairs (DCA), National Arts Council (NAC), National Arts Theatre Association of Zambia (NATAAZ), Zambia Association of Musicians (ZAM), Zambia Popular Theatre Alliance (ZAPOTA), Zambia Folk Dance and Music Society (ZAFODAMUS) and the Association of Theatre for the Youth and Children (ASSITEJ). All the institutions and associations are locally founded except for ASSITEJ, which is an international organisation with a chapter in Zambia.

2.2 Department of Cultural Affairs

The Department of Cultural Services as it was called then was established under a Presidential decree on 1st January, 1966 under the Ministry of Information and Broadcasting Services. Since then the Department has moved to various Ministries including Local Government and Housing, Ministry of Co-operatives, Education, National Guidance and Culture, Labour and Social Security and now it is currently under the Ministry of Community Development and Social Services (MCDSS). The movement of the Cultural Department from one Ministry to another has received mixed reactions from stakeholders; with some people accusing government of lack of seriousness towards the arts and cultural sector or simply not knowing what to do with the sector. In a broader perspective, this movement of the Department also shows government's uncertainty about the place of the sector in the national agenda and how it can possibly contribute to government's aspirations towards developing the country. By and large, this also tends to devalue the services of the arts and cultural sector and unintentionally labels the practitioners inferior to other sectoral practitioners.

The overall mandate of the Department is to foster the preservation, development and promotion of arts and culture for sustainable human development (MCDSS 2003). In carrying out these tasks, the Department focuses on two main areas of arts and culture namely: (1) folk art and culture (2) artistic and cultural industries. Among other things the functions and objectives of the Department are as follows:

1 Provide infrastructure
2 Promote artistic and cultural industries
3 Preserve, develop and promote folk art and culture

4 Build capacity amongst arts and cultural practitioners

5 Review and establish relevant legislation in the area of arts and culture.

In order to carry out the mandate of the Department, there are short and long term strategies in line with the current policy and legislative measures. Each year the Department undertakes some of the following programmes and activities:

1 In an effort to provide infrastructure, the Department is responsible for the rehabilitation and construction of various forms of cultural infrastructure such as cultural centres, theatres and galleries. At the time of research, the Department was constructing and rehabilitating 5 cultural centres around the country.

2 Under promotion of the arts and cultural industries, the Department provides grants to deserving arts and culture practitioners and organisations for purchase of arts equipment, tools, and raw materials. The grants are also used to invest in skills training in order to boost the quality and standard of cultural goods and services such as theatre, film, crafts, music and dance.

3 The Department encourages the practice and preservation of folk culture by providing grants towards traditional ceremonies through local chiefs countrywide. It has become necessary for government to give support to traditional ceremonies partly because these events are now major tourist attractions, apart from fulfilling their traditional usage as the case would traditionally be, and as such their poor organisation would not show too well as tourist attractions. The Department has also been in the forefront in supporting the revival, development and promotion of traditional ceremonies and other rituals and practices attached to these events.

4 In order to build capacity among artists and cultural practitioners, and also to increase knowledge in ethnic and other cultural practices, the Department initiates and facilitates cultural research in traditional folklore, policy and administration. The programme is also aimed at utilising researched information for effective delivery of cultural services. These efforts are however hampered by inadequate funding from government such that most of the proposed research activities remain on paper. Financial support is seldom given for this reason.

The Department of Cultural Affairs is supposed to be a huge government agency with a presence at national, provincial and district levels so as to ensure an effective and well co-ordinated implementation programme of its activities. Unfortunately, the current situation is that the Department is only firmly established at its head office in Lusaka and in the nine provincial centres of the country namely: Lusaka, Ndola, Kabwe, Solwezi, Livingstone, Mansa, Chipata, Kasama and Mongu. The Department is not represented at district level at all. This certainly causes a lot of lapses in as far as management of the arts and culture at national level is concerned. The imminent break down in communication from the national to district levels in the current scenario also negatively affects the development of the performing arts.

As a result, performing artists in such areas are often disadvantaged and as a matter of fact very few opportunities are availed to them according to B.K. Mofu, a freelancer musician based in Livingstone, (personal communication, August 27, 2006). Opportunities referred to here include performing at state functions, easier access to infrastructure, equipment, training, provision of a platform for direct contact with the administrators at which to present one's concerns etc. It can be deduced from the foregoing brief survey that there are very few opportunities that the current set up of the Department of Cultural Affairs present to the performing artists living in places where it is not physically represented on the ground.

Unlike the artists in the locations where the Department is not well represented, the artists in Lusaka and other provincial centres on the other hand are better served by the Department. They can be said to have easier access to the Department and its officials and are often well abreast with the current events taking place in the sector. In general the Department provides for many opportunities according to its objectives and functions, though constraints for some performing artists have also been created due to the fact that the Department only "exists" in certain areas and therefore only serves the privileged ones.

2.3 National Arts Council

The National Arts Council (NAC) was created by an act of parliament in 1994 and started operating in 1996. Its motto is "Putting Value on the Arts". It falls under the Ministry of Community Development and Social Services (MCDSS) just as the Department of Cultural Affairs. Some of its objectives are as follows:

1 To serve as a supreme advisory body at national level on policy and decisions on all forms of arts in the country,
2 To develop, promote, regulate and encourage all forms of amateur and professional arts on national basis in conjunction with the arts associations and government,
3 To regulate policy modalities for the award of national honours for artistic merit, and
4 To promote the development and organisation of the arts.

Despite the National Arts Council and the Department of Cultural Affairs falling under the same ministry and seemingly having the same functions, the two institutions are in fact operating differently from each other and are for that matter established under different terms. While the Department of Cultural Affairs exists as a ministerial department, the National Arts Council on the other hand is a semi-autonomous entity operating outside the general civil service terms and conditions. Distinctions between the two entities can mainly be seen in their functionalities and how they serve the arts and cultural sector.

Up until 1996, all artistic programmes were handled at national level by the Department of Cultural Affairs. This was done through the arts associations which existed at the time. The focus for the Department was on cultural activities like traditional ceremonies. The arts were like an appendage, and therefore received very little support. More than anything else, this is what forced the artists from various disciplines to press for the establishment of the National Arts Council. From the aforementioned, it can be concluded that the National Arts Council's broader function is to develop and promote the arts as a meaningful livelihood while the Department of Culture Affairs is mainly

concerned about developing, promoting and preserving arts and culture for national identity and posterity.

Similarly, the National Arts Council has a very insignificant physical presence in the country. It is only represented in Lusaka where its members of staff who are specifically recruited to administer the arts and help the council to realise its objectives are based at its secretariat. Lack of having the National Arts Council's permanent firm representation or office bearers in other localities apart from Lusaka also repeats the same opportunities, constraints and concerns as earlier observed in the case of the Department of Cultural Affairs.

Worse still is the fact that the National Arts Council is not even found at provincial level, though it unreliably operates through special Provincial Arts Advisory Committees (PAAC) that are composed of artists and arts sympathisers on a voluntary basis. The National Arts Council's effective position in the administration and manifestation of its programmes is further compromised by the fact that its budget for activities is largely supported by donor funds, mainly the Norwegian government through NORAD and the European Union (NAC reports, 1998-2001). The government grant which is often delayed is usually for daily operational costs and staff salaries.

Despite its administrative lapses, the general arts fraternity and stakeholders are in agreement that the National Arts Council has brought about more opportunities in the performing arts industry as compared to the constraints such as local and international networking through cultural exchanges, financial and material support to artists and redressing imbalances like fewer opportunities for female artists which have now increased. Foremost, the National Arts Council has endeavoured to put value on the arts, thus creating a new culture that recognises and emphasises professionalism in the arts.

The era of professionalism has brought about topical issues such as copyright, social security, contractual obligations, local and international performances, including collaborations. Chirwa, the National Arts Council of Zambia Assistant Director

(personal communication, March 25, 2006), notes that since its inception, the National Arts Council has not only engaged with artists in the above cited situations but it has also initiated among other things an award giving ceremony called the Ngoma Awards, which is a great achievement for the country especially that this has been the first time in the history of the country. The Ngoma Awards recognise outstanding artists and provide a platform for international recognition since the winners are sometimes entered into international competitions, recording deals or other special events.

One major output from the National Arts Council in relation to this study has been its stance on arts promoters needing to meet certain set standards or requirements, for example a demand for one to have a certain minimum bank balance as determined by the National Arts Council. These measures have in essence been put in place to protect the interests of the performing artists in most cases. According to Chirwa, the National Arts Council operates as a watch dog for the artists and the industry; seeking to protect them from all forms of injustices vis-à-vis promoters, employers, clients and or any other interested parties. The National Arts Council mutually works with all stakeholders on behalf of the artists and the industry. This on it is own creates chances of dealing with issues in a systematic and sustainable ways in the interests of the concerned parties.

Nevertheless, negative observations have equally been made as having impacted on the performing industry and individual artists. Major concerns are about the National Arts Council's small size and limited presence in Lusaka that makes it difficult for many artists to feel adequately represented. Taking into account that artists all over the country are often encouraged to engage with the National Arts Council in most of their dealings as a matter of protocol. This is now proving to be a constraint and time consuming for many artists especially those outside Lusaka as they may have to travel to Lusaka to seek the National Arts Council interventions. The Zambia Daily Mail (Government newspaper) also questioned the selection criteria for the Ngoma Awards. (Zambia Daily Mail…..1999). The paper further doubted the professional credentials of the selecting panels. Casting doubt on the premier arts event in this manner raises a lot of concern about the artistic excellence of the works so far selected.

If the selection of deserving artists really lies in wrong hands, then the process and actual event may be said to be prejudiced against some people. In the same vein, it is usually also a tradition for the National Arts Council to determine works that are to receive financial or material support from the council. This in a way also tends to undermine the creativity of artists and quite often works against their abilities. Furthermore, the current situation is that only artists affiliated to arts associations can access any form of assistance from the National Arts Council. This again excludes artists that do not belong to associations and deprives them of their right to easily access public support without any constraints.

2.4 Performing Arts Associations

Five performing arts associations generally exist in the country, which serve specific performing art forms. Their roles in the arts fraternity are largely similar with an exception of the fifth one; the Association of Theatre for the Youth and Children (ASSITEJ) that mainly seeks to develop theatre arts among the youth and children, at the same time encouraging their participation. This is done without any emphasis on professionalism and rewards for their theatrical works. Professionalism in Zambia commonly means that someone receives pecuniary rewards or any other form of reward for their performance. It is therefore within this understanding that ASSITEJ is not discussed in detail here because it does not exist to champion the artistic and social rights of artists in the context of work places like other associations in the country.

1. ***National Theatre Arts Association of Zambia (NATAAZ)***

The National Theatre Arts Association of Zambia (NATAAZ) is the oldest arts association in the country which was created in 1974 under the name of Zambia National Theatre Arts Association (ZANTAA) as it was known then. It was formed for the promotion of theatre in the country among other things. It later changed its name to ATAAZ in 1985 when it was merged with the theatre Arts Association of Zambia (TAZ). Since its merger, NATAAZ has gone through a series of transformations that have necessitated some changes in its objectives so that it could relevantly position itself with the aspirations of its membership.

One of the major areas of its concern is the protection of artistic and social rights of the members, especially those who are within professional ranks. In this regard, NATAAZ has been among the pioneer bodies that have been championing the ideals of unionisation for the Zambian performing arts industry. NATAAZ organises a wide range of activities as part of its national programme, which include training of artists through workshops, and organisation of two major national festivals i.e. junior and senior theatre arts festivals. Its organisational structure is elaborate and streams down from the national executive to the district levels.

NATAAZ membership which is estimated to be more than five thousand is one of the biggest and is distributed across the country. The membership is mainly drawn from schools, tertiary institutions and community clubs and it covers all segments of society i.e. the elite, middle class and the ordinary citizenry. Its presence is firmly grounded at all levels i.e. district, provincial and national. In this way, mobilisation of membership has been made relatively easier, claims B. Banda, a NATAAZ Executive Committee Member, (personal communication, March 27, 2006). Documented NATAAZ records were however not available at the time of research so as to ascertain the claim.

Nevertheless, as a result of its well founded leadership structure and firm presence at all levels coupled with its objectives that are driven by the aspirations of the members, it will suffice to mention that in many cases, NATAAZ has lived up to its objectives and has been able to deliver on them. For example, local theatrical works rooted in Zambian cultural norms that NATAAZ promotes through festivals, live performances and films have since received great acknowledgement both at home and abroad. Further, theatre artists regardless of their domicile situations are still recognised and represented; this in itself provides for several opportunities such as participation in festivals, film acting and the most desired financial and material support, just to mention a few. In line with its operations NATAAZ on behalf of its members also lobbies government and other stakeholders for support towards various theatrical activities, including issues related to the protection of their artistic and social rights, working conditions and remunerations.

On the other hand, the impediment of NATAAZ to the theatre artists is mainly seen in the clause that cuts across almost every arts association in the country, which categorically requires that one becomes a bonafide member before seeking representation or approval of a particular association. The clause is also supported by the National Arts Council. It further becomes complicated because non-alliance to an association by performing artists is not encouraged and quite often disadvantages those that are in this situation from equal recognition and representation. For instance, applications for funding to the National Arts Council must always be supported by an affiliated arts association to which the applicant is a member. Furthermore, the selection of candidates for artists' recognition awards may sometimes be a prerogative of the associations and as such, non-members may therefore not be considered for selection. The current situation and requirement is that associations endorse performing artists or their works to all stakeholders including the government as a sign of support and recognition of such membership.

If one is therefore not a member of an association, the anticipated sidelining takes place. In most instances, the non-member performing artist is usually discriminated against and the rights of free association are therefore violated by means of this mandatory requirement. Though the mandatory requirement was well intended and meant to encourage performers to belong to associations for their own benefit especially in the absence of a union, it is however not working very well at the moment for all concerned theatre artists and performing artists at large because the situation does not provide for an "acceptable" alternative option. The situation has given birth to undemocratic practices in some associations in an attempt to frustrate some members so that they can quit and lose out.

2. ***Zambia Association of Musicians (ZAM)***

The Zambia Association of Musicians (ZAM) is an association of musicians in the country, which was formed in 1979 under the old name of Zambia Union of Musicians (ZUM). ZUM as the name may seem did not exist as a trade union and its mandate was very different from the ideals of unionism. It merely existed as an association of musicians who were united in some ways and wanted to develop and promote the

standards of musicianship in the country. Zambia Union of Musicians later changed its name to Zambia Association of Musicians in 2000 and has since gone through a lot of transformations. The objectives of ZAM include the following:

1 To organise all musicians in Zambia in order to promote and protect the general and individual rights and interests of members,
2 To be the highest body representing musicians to government and employers,
3 To improve the status and standards of the music industry,
4 To negotiate for equitable rates for royalties and other payments for recorded music and other services.

ZAM has a large and wide spread membership with fully-fledged organisational structures firmly established at national, provincial and district levels. Its ability to attract such enormous membership estimated to be more than five thousand could partly be attributed to the fact that musical arts in Zambia like in many other African countries have historically and traditionally been the most commonly practised with a wide scope of contextual settings (Nketia 1974, p.28). The huge membership creates mixed expectations that usually result in confrontations with the incumbent leadership. Many a time, ZAM leadership is for this reason stressed and usually changing office bearers even before their stipulated term of office expires.

This is currently one major concern among stakeholders as the trend is seen as a source of inconsistency in the running of the association's affairs. The situation does not only negatively affect the leadership hierarchy but also the ordinary members who may not effectively function without a stable representation as regularly demanded by the fraternity and stakeholders in the event that one needs the backing of an association. Apart from their reservations about the National Arts Council's general requirement for artists to affiliate to arts associations, most of the informants of the research also see ZAM's current unstable leadership as being a constraint in their profession. There are also other unsubstantiated claims that the association tends to segregate in the way it implements artistic activities, in that most of the activities are said to usually take place along the line-of-rail where the cosmopolitans are found as compared to rural places. As

this may be, it can only be seen correct that more resources should be spent in areas where there is more activity in relation to other needy areas.

In its efforts to ensure equitable rates for royalties and other service payments, ZAM works closely with the Zambia Music Copyright Protection Society (ZAMCOPS). The collaboration has created many opportunities in the music industry. It has become possible for musicians to benefit financially from their works and for any form of contractual infringement to constantly be checked through an institutionalised system under the Copyright and Performance Rights Act of 1994. Piracy occurrences are also gradually being minimised through the same mechanism, though a lot still needs to be done in this endeavour. In addition to working with ZAMCOPS, ZAM under the auspices of the National Arts Council also arbitrates in matters involving its members. Its main objective in this campaign is to safeguard the interests of the members and ensures that musicians in the country are fairly treated in as far as artistic and social rights are concerned.

From the aforementioned, it could then be concluded that ZAM therefore has the largest performing arts constituency and responsibility in the country. As such, it is important for ZAM to stabilise its leadership so that it can effectively start meeting the aspirations of its members both in urban and rural areas as expected. This undertaking will not only benefit the members of the association but also its administration since stability in leadership ranks will have been secured.

3. ***Zambia Popular Theatre Alliance (ZAPOTA)***

Zambia Popular Theatre Alliance (ZAPOTA) is an association that co-ordinates community popular theatre in the country. It was formed in 1990 by an alliance of community based theatre groups and has since grown to become a national association. ZAPOTA has a well organised administration structure too, with all its executive positions completely filled at national level. This makes the association manageable and more effective, though at the time of research, it was only strong at national and provincial levels with some insignificant presence in selected districts. Since its

inception, ZAPOTA's main activity has been the development and promotion of popular theatre in the country and also organisation of district, provincial and national festivals.

Like NATAAZ and ZAM, ZAPOTA also has considerable membership in both urban and rural areas. Its urban membership is a result of a huge presence of government agencies and Non-Governmental Organisations (NGOs), which often engage the services of popular theatre artists to carry out various civic campaigns and disseminate information on topical issues that include health, human rights and corruption through dramatised presentations. The environment is such that almost always, popular theatre artists come up with productions based on themes that are motivated by prevailing communal concerns. The productions are then "sold" to potential sponsors or used as a basis for soliciting sponsorship to stage the performances in the communities.

On the contrary and to a larger extent, ZAPOTA's rural membership is driven by the theatrical nature of the genre which is rooted in the unorthodox theatrical practices which are locally socially meaningful and often welcomed as compared to the conventional western staged acts, such as performing in public open arenas which are not necessarily equipped for theatrical activities, physical interactions between performers and audience during performances due to lack of "identifiable" demarcations, citing one's lines on impulse and a greater use of improvisations including "unrestricted" stage mannerisms. The performances may also involve music and dance as well as the use of dramatic improvisations. The contextual arrangement and performance of community popular theatre is in many ways similar to the way performances are traditionally organised in rural areas hence creating a ready pool of members (performers).

Over the years, ZAPOTA has managed to put unconventional theatrical works commonly known as "popular theatre" at the same level of recognition with conventional dramas. Popular theatre, defined as an unconventional theatre form that gives the marginalised a voice, a social awareness that leads to emancipation and development. It combines research, entertainment, education with the aim of bringing about change particularly in the lives of people considered to be "marginal", deprived and oppressed, Chirwa (2006).

Village open-air drama performances which are in local languages with community sensitisation and advocacy messages provide good examples of popular theatre.

Today, popular theatre artists can equally boast of being artistic workers; deriving their sustenance from practising this genre of performing arts. In this regard, ZAPOTA is mandated to protect the interests and rights of its members and also to intervene in disputes that concern the membership. ZAPOTA has further managed to draw community popular theatre into the agendas of national performing arts.

In this way, practitioners of popular theatre now also stand a chance of benefiting from national performing arts programmes that are run through the respective associations. In spite of the absence of ZAPOTA in most of the districts, the association can be said to have been performing quite adequately in most of its operational systems. This positive result can yet again be attributed to the nature of the genre, which is characterised by unsolicited community participation.

4. ***Zambia Folk Dance and Music Society (ZAFODAMUS)***

Zambia Folk Dance and Music Society (ZAFODAMUS) is responsible for the practice of folk music and dance in the country. It was formed in 1996 as a private initiative by folk music and dance artists to promote the practice of folk music and dance, as well as to protect the rights and interests of the practitioners. ZAFODAMUS is the second youngest arts association from ASSITEJ (1999), to be formed in the country. As such ZAFODAMUS has been going through a series of teething problems that have not only affected its administration but also membership, finances and other logistics. ZAFODAMUS administration largely exists in theory at the moment except for a few executive positions that have been filled up especially by Lusaka members at national level. The supposedly district, provincial and some national portfolios are not yet functional.

Currently, ZAFODAMUS to a large extent only exists in Lusaka coupled with isolated presence in some provincial centres. It will suffice to claim here that ZAFODAMUS is non-existent in the districts and therefore only serves Lusaka and some selected few

places. Nonetheless, ZAFODAMUS was formed to carry out certain objectives that include:

1 Developing, promoting, regulating and encouraging the practice of folk music and dance on a national basis in conjunction with the National Arts Council,
2 Organising workshops, seminars and conferences on folk music and dance, and disseminating the cultural heritage of Zambia,
3 Serving as the advisory body to the National Arts Council on matters relating to all forms of folk music and dance,
4 Raising and maintaining a fund from approved sources to support folk music and dance activities and the practitioners.

In view of the above cited shortcomings, it has been very difficult for ZAFODAMUS to effectively function and attain its objectives. Needless to mention that, the prevailing situation has disadvantaged a lot of traditional music and dance artists in the country. For instance, in accordance with the National Arts Council regulations, all forms of assistance to individual artists or official recognition of such artists is expected to be channelled through active arts associations.

Arts associations are for this matter also expected to be in good standing with the National Arts Council in terms of having functional administrations, ensuring timely submissions of annual returns, etc. The current situation in ZAFODAMUS however, does not allow for a good standing relationship with the National Arts Council. As a result, ZAFODAMUS has in many instances been seen as stumbling block for the development of individual artists and the profession as a whole. Though recognised by the government as a legitimate representative of folk music and dance practitioners, its position in this regard is further weakened as ZAFODAMUS has on several occasions failed to honour standard obligations expected of all arts associations like submission of annual and grant based reports to the National Arts Council.

The consequences of ZAFODAMUS's failure to meet the National Arts Council's requirements as indicated above have always been grave not only to itself when its annual

operational grants are delayed, but also to the extent that its members have also at times lost out on good offers because of lacking serious representation at association level. It is in this regard, that the National Arts Council as the supreme arts governing body feels that ZAFODAMUS should urgently clean up its house so that its members can start enjoying full benefits of belonging to an association as provided for in the establishment of the National Arts Council. The challenge also presents an opportunity for ZAFODAMUS to justify its formation and continued existence.

2.5 Categories of Performing Artists

Performing artists in Zambia are commonly recognised under two categories i.e. those employed by government in the civil service and the artists that work for private entities or are self sustained. Publicly sponsored performers are further divided into two classes namely: (i) permanent and pensionable employees and (ii) classified employees (CEs) formerly known as casual daily employees (CDEs). The privately sponsored performers are also divided into: (i) salaried contract workers and (ii) independent freelancers. Of the two categories, the privately managed groups are in larger numbers and widespread while those in the civil service are mostly concentrated in Lusaka.

The difference between the classified and the permanent and pensionable employees in the civil service depends on the technicalities involved and may involve the procedure of recruitment, minimum qualifications, special skills and other specifications as may be applicable. In general terms, as opposed to the permanent and pensionable employees, classified employees are directly recruited by ministries while the permanent staff are recruited through the Public Service Commission. CEs' minimum entry qualification is junior secondary school while the permanent staff will be required to have completed their senior secondary education. Furthermore, CEs may also be employed on the basis of having proven skills in lieu of academic qualifications, which is not the case for the permanent and pensionable employees. The status of CE in the uniformed services is determined by one not having undergone special "uniformed" training while still serving.

The existence of civil servant performing artists in the country is a result of government's programme of nationalising traditional performing arts as a means of preserving, developing and promoting Zambian performing arts while at the same time creating employment in the sector. This initiative was started soon after independence and has since been embraced to become a component of the cultural policy which can be seen through government's proposed strategies of providing cultural infrastructures at all levels of community settlements so as to promote and preserve arts and cultural practises. Apart from being used in the aforementioned functions, publicly sponsored groups also provide entertainment at public and private functions. The study identified the national dance troupe and the three performing arts groups (drama, traditional dance and band music) in the Zambia National Service (ZNS) as a case sample; they represent civil servant performing artists who are publicly sponsored.

Private management of performing arts is mainly done by entertainment houses, recording companies and wealthy individuals, and at times individuals and groups also do manage themselves. A selection of theatre, music and dance artists who are not employees of government agencies but are members of arts associations has been used as a sample group to represent the privately sponsored performing artists. The following paragraphs discuss the organisation, activities and job opportunities of the sample groups.

2.6 Publicly Sponsored Groups:

i. ***National Dance Troupe (NDT)'***

The national dance troupe (NDT) operates under the Department of Cultural Affairs. It was established in 1966 almost at the same time of the Department's establishment as an adjunct to the Department's objectives. The Department manages two national dance troupes which are based in Lusaka and Livingstone respectively. In this study, the two troupes have been combined and are referred to as a single national dance troupe though the principle respondents are based in Lusaka as already indicated. This is because the two are managed by the same Department and are more or less working under similar conditions.

The national dance troupe falls under the Department's manifestation programmes under direct supervision of a Cultural Promotions Officer who is responsible for music and dance. It serves as a living museum of folk culture, music and dance apart from providing entertainment and raising revenue for the government. The national dance troupe is not an affiliate of any arts association in the country and does not require the National Arts Council's approval of its activities or endorsement of any kind as a way of succeeding in its pursuits. The national dance troupe exists independent of the National Arts Council under the government's provisions through the Department of Cultural Affairs.

By virtue of its establishment, the national dance troupe is governed by civil service regulations and as such its members are expected to enjoy full benefits and other provisions that accrue to civil servants. It was, however, discovered that the national dance troupe is in fact composed of classified employees (CEs) as opposed to suggestions that some members of the national dance troupe are permanent and pensionable employees (W. Kaonga, personal communication, September 11, 2006). As CEs, national dance troupe members are not entitled to absolute civil service employment benefits such as pensions and are also subject to a "fast track" system of being hired and dismissed within the confines of the Ministry as opposed to the other employees who have a pension and whose hiring and dismissal is rather complex and conducted by the Public Service Commission which is the only mandated government agency to employ permanent civil servants in the country.

The CE status of performers in the national dance troupe was confirmed by N. Liyempe a Records Officer at the Ministry of Community and Social Services (personal communication, February 2, 2007). Despite the national dance troupe performers being classified employees, they are however salaried employees who have been employed under oral contracts as provided for by the Labour laws under Employment Act CAP 268. Classified employees are graded in seniority, which may at times depend on the number of years one has served, competence at work, academic and professional qualifications.

In general, all classified employees in the civil service that include the performing artists can not enjoy full civil service conditions and provisions therein as per law. These individuals who are for instance employed using a "fast track" system as CEs may be said not to have guarantees for a "permanent" job per se. This is because the "fast track" system of recruitment authorises individual controlling officers in the Ministries to hire and fire someone as the situation may be within 24 hours, without necessarily going through a comparable complex procedure of the Public Service Commission. Classified employees are also excluded from enjoying certain civil service privileges and benefits. For example, belonging to professional civil service trade unions as compared to permanent workers, who may have this privilege based on one's career. In this regard, teachers in the civil service may choose to belong to a teachers' union while classified employees are only eligible to join the general National Union for Public Service Workers (NUPWS), which looks after the interests of all types of classified employees.

The exclusions are regardless of the years one has served in the national dance troupe in the case of CE performers. On average, the years so far served by the current members of the national dance troupe are about 20 years. Members of the national dance troupe are also not entitled to a pension but instead they receive a gratuity after serving for an initial 10 years and later after every 5 subsequent years. The gratuities are not uniform; they are calculated based on the initial year of joining the dance troupe and also on the level of seniority one has attained. Apart from this and the already mentioned disparities, national dance troupe classified employees do also share in the various general provisions of the national labour code.

As a matter of comparison, permanent and pensionable employees in the civil service , by virtue of their employment status enjoy full provisions of the civil service conditions of employment without any prejudice unless otherwise. In the case of reaching one's retirement age, the concerned employee may extend employment by entering into a contract which may stipulate specific terms and conditions as determined by the controlling officer in the Ministry from time to time. This may therefore result into the

once permanent and pensionable employee becoming a classified employee. It is also a normal practice to restrict the duration of the contract and the privileges one can have of renewing the initial contract under such circumstances.

In spite of some social protection disparities with regard to pension schemes in the civil service as indicated above, the affected classified employees do however have mandatory alternative pension schemes to which they contribute through their respective Departments. A major example of such schemes is the National Pension Scheme Authority (NAPSA) to which members of the national dance troupe also contribute through the Department of Cultural Affairs. In addition, classified employees also enjoy other employment conditions such as similar working hours, leave opportunities and a monthly non-cumulative day-off, locally called "mothers' day", which is a special leave of absence exclusively for female staff as stipulated in the "Conduct and Discipline" section, under sub-title "normal working hours" of the Terms and Conditions of Service for the Public Service (2003).

Furthermore, performing artists working in the civil service either as CEs as entirely found in the national dance troupe and some in the uniformed services or on permanent basis as the case is with a larger percentage in the uniformed services are all subjected to a retirement age, which is currently attainable at the age of 55 years. Under this arrangement, a performing artist in the civil service can ordinarily only leave the dance troupe once they reach the retirement age. This on the other hand tends to negatively impact on the troupe as far as artistic prowess and vitality factors for the well being of the troupe are concerned.

As a living museum of Zambian folk culture, music and dance, the national dance troupe's activities are not entirely about performance. The national dance troupe with the assistance of the Department's research unit also undertakes cultural research in order to increase knowledge in Zambian ethnic music and dance including other cultural practices. Through this manner, the national dance troupe has been able to develop and preserve a repertoire that generally represents the Zambian music and dance practices.

The national dance troupe regularly performs both at home and abroad at public and private functions.

The discussion concerning employment in the national dance troupe may be looked at in two perspectives: from within; the way incumbent salaried members view performance as a source of livelihood and also from outside; the employment opportunities for aspirants in view of the civil service retirement age. Firstly, the incumbent members of the national dance troupe do not have to immediately perform in order to get a salary at any particular time. Being a group of salaried public workers under CEs conditions of employment, the national dance troupe does not rely on perpetuated performances to earn a living for its members.

As a result, members of the national dance troupe are not very proactive about scouting for performing opportunities. The view of this writer is that they have in fact over the years become less enthusiastic about performing because of their monthly salaries that are guaranteed by virtue of their positions in the troupe. A well intended aspect of working conditions is seen here working against artistic desirables and also undermining the levels of creativity.

Secondly, the adherence to 55 years as the retirement age among the performing artists in the civil service is not only deteriorating the artistic standards in the national dance troupe but also contributing to the creation of a “closed” entity. Unlike other professions within the civil service, performing artists would naturally before the age of 55 years stop being proactive; and subsequently become unsuitable for regular performances as demanded of them. They would have become tired, slower and no longer showing their prowess at the age of 55.

Unfortunately as the situation remains, the aging performing artists will continue to remain members of the troupe in spite of their advanced ages which is not professionally desirable. Their clinging to the jobs means that there are no openings for new members to join the national dance troupe. The young and more energetic artists will have to wait

until the incumbent turn 55 years or leave the troupe before the retirement age for other reasons. The situation obtaining here is that the current membership of the national dance troupe consists of old people, which at the same time undermines and alienates the youthful performing artists' contributions to the national troupe.

ii. ***Zambia National Service (ZNS) Performing Arts Groups***

The Zambia National Service (ZNS) is one of the military institutions in the country and falls under the Ministry of Defence. Apart from carrying out normal national military duties, the Zambia National Service is also involved in various activities that promote and contribute to the communities' wellbeing. Among these are agriculture, sports, arts and culture. As a contribution to the development of the arts and culture and creation of employment in this regard, the Zambia National Service established and manages four performing arts groups namely: ZNS Kafue dance troupe, ZANASE drama group, ZNS steel band and the ZNS Green Labels jazz band.

The four groups are administered within the Sports and Culture Branch of the Zambia National Service under the overall supervision of a Director who is also assisted by junior officers, directly tasked to superintend specific groups. Zambia National Service groups are all located in Lusaka province though quite often they are on tours for private or public performances. Though military establishments can be considered as being under the civil service, their operational and establishment conditions differ very much from other civil government departments. Military personnel serving in institutions such as the Zambia National Service enjoy working conditions that are specific to the defence forces in the country.

In addition to the uniformed personnel, the defence forces including the Zambia National Service also do employ professional civilian staff in various fields. The professional civilian staff in this case also fall under classified employees conditions and do not entirely work under military conditions; as such they do not have some of the privileges that the uniformed military personnel may enjoy. Some of the affected non military staff are among the performing artists found in the above named four groups.

For example, Zambia National Service uniformed military personnel contribute to a social security fund that is administered by a government agent while non military personnel who are CEs contribute to an alternative non-civil service fund, which in most cases is National Pension Scheme Authority (NAPSA) which any other worker or income earning person is free to join. While there are no major differences in terms of benefit provisions to the members between the two social security funds, it is however necessary to point out that belonging to a civil service social security scheme reduces the duration involved in processing one's benefit entitlements since the number of members in the civil service is smaller as compared to the larger NAPSA membership. It must be appreciated against the background that it generally takes long for one to receive their social contribution benefits in Zambia. The reason for the cited social security membership disparities is that the non-uniformed personnel working in the military establishments are not considered as being "full time employees" because they have not yet undergone military training. When such people are hired, they are always recruited as classified employees.

Classified employees as a matter of policy cannot subscribe to civil service social security funds because they are deemed not to be permanent employees. Nonetheless, they are free to join any social security fund of their choice. One thing to point out here is that, it is also mandatory for all non-uniformed personnel to subscribe to a form of social security fund being employees of government. Also interesting and noticeable within the military circles is that; while the uniformed personnel would report for work in their military regalia, their non-uniformed counterparts would always report in their own personal attires. The practice normally distinguishes the militarily trained personnel from their untrained civilian counterparts within military cantonments. This is important as it helps to identify "auxiliary" personnel who may not have certain privileges in accordance with military norms and mannerisms.

Apart from these seemingly major disparities, the non-uniformed members of staff do however enjoy some privileges such as leave days, salary increments, working hours etc

just like the military trained and uniformed colleagues. There are nonetheless, definite advantages to becoming trained military personnel than remaining a civilian staff such as free meal powder, subsidised provisions at the messes, uniform and tools allowance where applicable, free accommodation, water and electricity services etc. The following paragraphs briefly discuss the four performing arts groups in the Zambia National Service:

a. ***ZNS Kafue Dance Troupe***

The group specialises in the performance of Zambian traditional music and dance, and is based at the Zambia National Service Kafue camp in Lusaka Province. The troupe has a membership of about forty of which all are full time military trained and uniformed personnel including both males and females. Members of the dance troupe are specifically recruited either as musicians, dancers or drummers firstly as civilian personnel. They remain as civilian staff (classified employees) until at a time when they are taken for military orientation training which takes place from time to time. As a professional outfit, the ZNS Kafue dance troupe rehearses daily and only takes part in other military assignments where and when necessary. The group performs locally and outside the province for the public and private patrons.

b. ***ZANASE Drama Group***

As the name entails, the group performs a range of dramatic/theatrical arts. It is based at the head quarters of the Zambia National Service in Lusaka. The group is composed of about twenty male and female members most of whom are non-uniformed members of staff, employed under CEs conditions who have not yet undergone military training or are not eligible for military training on various grounds such as being over aged, having some physical disabilities or other medical constraints. Despite having a greater percentage of civilian members in the group, the group strictly adheres to military etiquette and discipline. Like the dance troupe, the drama group also rehearses each day of the working days and performs at both public and private functions. The group was at the time of research, involved in a crusade to sensitise the military and general communities about the dangers of HIV/AIDS through dramatised presentations.

c. ***ZNS Steel Band***

The band is the only one of the kind in the country. It specialises in the performance of steel drum music popularly found in Trinidad and Tobago in the Caribbean. The steel band is based at the Makeni garrison in Lusaka, and is composed of about twenty five members most of whom are uniformed military personnel. The band is a culmination of a military cultural exchange between Guyana and Zambia in which the Zambia National Service sent a service man to Guyana in the late 1980s. Upon returning home, the service man taught steel band music within the service and eventually a steel band was formed. The band which also operates more or less in the same way as the dance and drama groups has a membership of both males and females. The steel band rehearses daily but puts up shows less often as compared to other ZNS groups. One reason for this situation can easily be attributed to the unfamiliar nature of the genre and the band's repertoire that is yet to be popularised. Nevertheless, the band still enjoys good patronage from hotels and private clients.

d. ***Green Labels Band***

The Green Labels jazz band is the most successful group in the Zambia National Service. The band is an electric guitar band that specialises in both Zambian and foreign popular guitar music. The band is based at Makeni garrison together with the steel band; it has a membership of about eighteen, of which most are civilian members of staff under the leadership of a uniformed military personnel. The band performs regularly at various private and public events within and outside Lusaka.

2.7 Privately Sponsored Groups:

A selection of Lusaka based theatre, music and dance artists who are not government employees represent the privately sponsored category of performing artists drawn from respective national arts associations as already explained in methodology. This category is the largest in the country due to its wide constituency of representation. The category is divided into two classes, the first one consisting of salaried performers on contracts and the second covers performers who are freelancers. As a result organisational and operational arrangements among privately sponsored groups differ, depending on the

nature of the art form and the sponsor involved. Furthermore, the groups' sizes and membership strengths also vary from group to group. Nonetheless, most privately sponsored groups in Zambia do generally have a lot of similarities in the manner they are organised and operate.

Despite the size, organisational or operational structure and area of specialisation, privately sponsored groups normally have a chairperson or leader who serves as a link between the sponsor and the group. A group may further have other positions of responsibility apart from that of the leader as found among most of the groups. According to N. Kawinga, a seasoned actor (personal communication, April 18, 2006), such organisational structures promote a sense of ownership among members of groups and facilitates easy communication within the framework of decentralisation, which is highly desirable in groups that do not have permanent sponsorship. Decentralisation of duties helps the groups to operate more effectively in terms of soliciting for sponsorship, accounting for the funds, and adhering to various desirables as demanded by the benefactors or the groups themselves. This arrangement is different from that of publicly sponsored groups in which positions of responsibility can also be given to government officials to superintend over the groups.

2.8 Labour Markets and Employments

According to the ILO, labour markets may generally represent sources of employment for any specified labour force at any particular time. Labour force is synonymous with the concept of economically active population, which comprises all persons of either sex between the age of 15 and 65 who furnish the supply of labour for the production of goods and services during a specified time-reference period. This excludes full-time students, full-time house-wives, prisoners, beggars and people who are retired, but includes the unemployed. Zambia's official retirement age of 55 years is lower than the ILO recommended retirement age, presumably because of the country's low life expectancy.

Zambia's current labour market is largely characterised by the informal sector under which most of the artistic ventures can also be found. The National Employment and Labour Market Policy of 2004 further reports that the formal sector has steadily been diminishing over years as the main source of employment in the country. As a percentage of the total labour force, formal sector employment has declined from 75% in 1975 to 10.3% in 1999, National Employment and Labour Market Policy (2004). Principally, the trend has been caused by the labour rationalisation measures in both the public and parastatal sectors that have resulted in massive job layoffs. The two major policy measures responsible for these are the Public Sector Reform Programme which aims to scale down the number of public workers by retaining only qualified and suitable staff and the Privatisation Programme, which is meant to put parastatal businesses under private management as opposed to that of government.

In light of the above development, the Ministry of Labour and Social Security (2004a) indicates that experience has shown that jobs are usually lost in the process of privatisation and that almost all the privatised companies in Zambia have reduced their employment. It further reports that a study by the Zambia Privatisation agency (ZPA) in 1997 shows that privatisation resulted in some 6,000 layoffs, with an estimated total loss of formal sector employment of 61,000 between 1992 and 1995.

With the decline in formal sector employment, the informal sector that includes cultural and artistic enterprises has become the principle source of employment and livelihood for most Zambians. Unfortunately, wages and conditions of service in the informal sector are generally poor and cannot therefore adequately contribute to social and economic advancement of those involved. In the same vein, Fashoyin (2002) also notes that it has been very difficult to regulate the informal sector in Zambia to the extent that the sector is not even covered by employment protection legislation.

As a result, artists in the sector have often ended up serving under poor terms and conditions of service at the mercy of benefactors or clients who at one time or another deprive them of their artistic or social rights. In addition to lack of employment

protection legislation in the informal sector, underdevelopment specifically in the arts and cultural industry in Zambia has also contributed to the undesirable state of affairs. In this instance, ILO commissioned A. Posthuma to carry out a study on Small Enterprise Development and Job Creation in the Cultural Sector in the SADC Region in 2001 and also produced a report on strengthening labour market information and statistics in Zambia. Posthuma (2001) points to the fact that cultural industries in Zambia play a much lesser role as source of jobs, revenue and foreign exchange than in industrialised countries due to limited private sector participation and limited local demand among other factors.

From the foregoing, the labour markets for performing artists in Zambia can therefore said to be found in both the public and private sectors as already mentioned. Though however, this is very limited in the public sector thus leaving the private which is further subdivided into two sub sectors namely, formal and informal as the largest employer of performing artists in the country. Government and its agencies are the sole employers of artists in the public sector with a large percentage of the labour force being concentrated in Lusaka, except for a few other artists that are found in the regional headquarters and other towns.

Government being the sole employer in the public sector means that openings for vacancies are usually limited. The situation has not opened up employment opportunities for many artists, especially the younger ones as they have to wait for the incumbent older artists to finish their tenures of employment or leave the groups on various grounds. When and where employment is available in the public sector, it is always given under competitive and attractive terms and conditions of service as compared to the ones obtaining in the private sector.

On the other hand, the private sector participation in the arts and culture is mainly through entertainment houses, hotels, recording companies and wealthy individuals as employers or sponsors of performing artists. However, individuals and groups do also manage themselves at times. The privately sponsored sector has the largest labour force

of performing artists regardless of whether one is in formal or informal employment. Employment opportunities especially for short-term temporal engagements exist for most performing artists on terms and conditions of service that are usually unfavourable to the artists. In spite of a large labour market in this instance, the artists almost always live in very precarious conditions because unfavourable employment conditions, and are often not covered by social security schemes.

The absence of an enabling regulatory system in an economic environment like that of Zambia in which the informal sector is large and always increasing is a disservice to the sector and the entire national economy. As a result several active performers who are part of the labour force on the informal labour market have been left at the mercy of the unregulated market. It is not only that this situation makes it difficult for the performers to adequately survive on the arts, but it also deprives the government of the taxes which could have been collected if at all business activities in the performing arts industry were sufficiently regulated. Instituting regulatory measures will not only help legitimise and protect the informal sector vis-à-vis performing arts industry as a player in the county's economy but also help to make its contributions significant and manageable.

Based on the fact that the informal sector has the largest percentage of economic activities in the country, it is also important to strictly tie particular legislation like the cultural policy to some of the national policies that are apt to impact on the activities in the performing arts industry. For example, in line with the labour policy provisions, performers may also be subjected to strict working hours and also be entitled to overtime pay whenever this is applicable. Currently, the performers and their employers do not usually observe strict working hours and overtime pay does not normally arise. The cultural policy should therefore be seen to closely relate to labour provisions so that it can also serve an economic purpose by directly providing for the cultural and arts practitioners as creative workers who contribute to national economic growth. In this regard, Schillinger (2005, p.5), also alludes to the fact that when countries with a greater portion of the national economic activities in the informal sector properly organises and regulates the sector, it becomes easier for the informal workers to form trade unions such

as seen in Benin, Ghana, Mozambique and thereby benefiting from the merits of unionisation.

The existence of trade unions for instance in the informal sector including the performing arts industry is not meant to only benefit the performers as workers but also the government which can accrue so many positive rewards from having an organised and regulated industry. Some of the benefits to the government may concern satisfactory implementation of labour policies in that all categories of workers will likely be covered, various taxes will systematically be captured from the sector workers, and labour censuses for the purpose of various inventories will be more inclusive to cover most of the labour force on the market. It is therefore particularly progressive for a cultural policy that aspires to protect the creative workers and also play a role in the economics of a nation to be in tune with other policies for an effective impact on the national macro-economic environment. Labour provisions are such policies that can greatly enhance the efficiency of cultural policy in an economic dispensation across both the public and private sectors.

The implementation progress and efficacy of the 2003 national cultural policy has not been uniform in both the public and private domains. The environment in which the policy is operational tends to impact on the implementation of the document. It is basically for this reason that it has been necessary to map out the Zambian arts and cultural institutional landscape in which the cultural policy is operational i.e. the public and private domains. Unlike the private domain, the aforementioned different public institutions regardless of whether they are under uniformed services or civilian management usually do have personnel who may be assigned to specifically ensure that government's policy aspirations are properly articulated and promoted in work places. The combination of politicians and civil servants working in public institutions also allows for the successful implementation of government's programmes. This government approach could probably be even more effective with the implementation of the cultural policy if at all complete decentralisation of the Department of Cultural Affairs had been effected down to the district level.

The private institutions and arts associations that mostly cater for privately sponsored performers rather operate in a different way, with little emphasis on government's policy statements unless where this benefits them. It is seldom for managements in these environments to openly propagate government policy or to strictly adhere to national policy statements; incorporating policy statements into institutional daily operational guidelines is one thing and adherence to them is another. In this instance the implementation of the cultural policy has not been as easy as may be found in the public domain. The process is often hampered by lack of enthusiasm on the part of managements especially when this does not seem to favour their interests. The Zambian cultural policy could be best assessed against a better understanding of the institutional landscape in which the policy operates; taking into consideration the administrative, logistical, political and personnel capacity in both domains. Furthermore, it is felt that the close presence of government hands in public institutions as opposed to the private ones also stimulates the implementation of a cultural policy.

Chapter 3

IMPACT OF THE CULTURAL POLICY

3.0 Overview of the Policy Environment

The national cultural policy is just but one of the many policies that the Zambian government has formulated and implemented since the country's independence in order to give guidance on how to manage the various sectors. The policy falls within a wide scope of a national policy environment that is invariably characterised by other sector policies which are interdependent and quite often speaking to each other. The interdependence nature of the policies within the policy environment makes it possible for the successful implementation and administration of most of the policies, which also depend on the existence of a strong and conducive institutional and legal framework among other factors.

In order to effectively implement national policies, the active participation of relevant institutions is essential. This is because national policy issues cut across many sectors, which are interrelated and as such are much needed to achieve the desired goals. The arts and cultural sector in Zambia cuts across a number of line ministries that equally formulate their own sector policies, which in essence happen to be cross-cutting according to government's Fifth National Development Plan of 2006.

In this regard, a number of government ministries and departments have become very crucial in shaping the direction and ensuring the effectiveness of the national cultural policy. These are as follows:

a) The Ministry of Community Development and Social Services (under which the Department of Cultural Affairs and the National Arts Council of Zambia fall);
b) The Ministry of Information and Broadcasting Services (under which the Zambia Music Copyright Protection Society and film and cinema administration fall);
c) The Ministry of Tourism, Environment and Natural Resources (under which the National Museum Board and National Heritage Conservation Commission fall);

d) The Ministry of Local Government and Housing (under which the administration of Chiefs' Affairs falls);
e) The Ministry of Science, Technology and Vocational Training (under which the training of artists in colleges falls);
f) The Ministry of Home Affairs (under which the National Archives falls).

Ideally, the above cross-cutting arrangement presents an enabling environment in which policies, specifically the cultural one are expected to be functional resulting in the intended and desired impacts within respective sectors. The functionality of the national cultural policy in this arrangement should however be viewed through the sector policy's main goal, which according to the Fifth National Development Plan is to provide an enabling environment for the safeguarding and promoting Zambian tangible heritage and to ensure the development and promotion of arts and cultural industries. It is therefore appreciated that the 2003 national cultural policy is also acknowledged within the broader national development agenda as indicated in the Fifth National Development Plan sectoral policies; as such it is expected to be practically implemented and successfully produce the desired impacts in all areas of concern.

On the other hand, the prevailing national cultural policy is said by many of the research to be inadequate in addressing the issues concerning the protection of their artistic, intellectual and social rights as part of their working conditions as stipulated in the cultural policy document; on which basis the study was conducted. They argue that the cultural policy in its present form is an isolated piece of legislation as it is not linked to other important policies in order to effectively service all areas of concern in the policy document.

For example, Don Chipo, a privately sponsored musician, observes and bemoans the absence in the matrix of the Ministry of Labour and Social Security as an important player in ensuring that the artists' social rights and their rights to good working conditions are not violated. As most of the informants have expressed concern about these issues, it therefore suffices to mention that the present broader policy matrix does

not favour a quick remedy for labour related issues. Given this understanding and the core study issues that are based on the subsequent discussion of the policy clause, which seeks to protect the rights of artists and intellectual creators and in turn elevate their artistic and social status. By virtue of its mandate as a custodian of the National Employment and Labour Market Policy, the absence of the ministry of labour and social security in the cultural policy matrix is a disservice to the full realisation of this aspect in the policy.

3.1 The National Employment and Labour Market Policy

The National Employment and Labour Market Policy of 2004 which provides a survey of the labour framework in Zambia is a very important reference of the study and as such its brief description can greatly benefit the discussions that follow. The National Employment and Labour Market Policy was prepared through consultative process and participatory approach that involved key stakeholders in government, private sector and socio-economic partners. The main objective of the policy document is to create adequate and quality jobs in conditions that ensure adequate income and protection of workers' basic human rights. The policy also stipulates the existing legal framework and examines its adequacy and relevance in facilitating the efficient operation of the labour market within the existing macro-economic framework. In this regard, the policy has also identified that the formal economy has been steadily diminishing as the main source of employment in Zambia resulting in the informal economy becoming the principle source of employment and livelihood for most Zambians. (National Employment and Labour Market Policy 2004).

In addition, the policy also highlights the strategies meant to address issues related to population and labour force, labour migration and employment creation. Other issues addressed include: safeguarding the rights at work and improving the working conditions. The implementation of the policy is being done through government agencies, non-governmental organisations and co-operating partners who have been identified as the principle sources of resources with which to carry out the process.

3.2 The Post Independence and Pre Cultural Policy Eras

At independence on 24th October in 1964, there was no policy to direct the affairs of the arts and cultural sector in Zambia. The newly democratically elected government however formally established the Department of Cultural Services, now called Department of Cultural Affairs two years after, in 1966. There was still no policy in place at this stage; the arts and cultural affairs were largely being directed by presidential decrees and the officers charged with managing the sector. Chirwa (2005), believes that the major task of the Department of Cultural Affairs at that time was to integrate Zambia's ethnic cultures into a unitary national culture, and also to launch a process of decolonising the minds of the people who had been made to believe that their arts and cultures were inferior.

The social-cultural state of affairs was negatively influenced by ethnocentrics who viewed other ethnic groups in relation to theirs, which resulted in some groups losing their cultural esteem. As a result, one's tribal affiliation became a major issue for consideration in times of choosing a leader, spouse and also during social interactions etc. Tribalism was viewed as one of the vices responsible for retarding the unification efforts of the 73 Zambian ethnic groups, while at the same time the practice also tended to suppress some peoples' tribal values. The scenario illustrates that there was in fact social and cultural disintegration among the natives, and that there were also some colonised minds. Tribalism at this stage became one of the major domestic concerns by politicians and as a result the Kaunda government was prompted to prioritise the fight against tribalism under a national slogan of "one Zambia, one nation", which among other things sought to unite and promote all the 73 Zambian ethnic groups in all aspects of life.

The post independence and pre-cultural policy era was also characterised by separate developments in the performing arts industry. Along the line-of-rail; the most developed and urbanised region in the land, the arts ,especially theatre arts, were largely championed and administered by western foreign settlers who built several little theatre houses as they were commonly known. There were no public theatre houses during the early post independence period just like nowadays but instead several multi-purpose

community welfare centres were built, especially along the line-of-rail which became venues even for artistic performances.

The private owners of theatre groups and theatre houses during the same period were not obliged to abide by the Department of Cultural Affairs' occasional guidelines as these were not legislative in the absence of a clear-cut policy framework. Consequentially, several theatre managements imposed disguised prohibitive measures such as exorbitant fees and awkward hours of opening since most of the natives did not own vehicles in order to keep them away from the premises. The theatre houses remained "closed" to the natives and so the audiences were largely composed of the settler populations, such that most of the productions were also not socially relevant to the local people as they usually centred on western ideologies which for example resulted in Shakespeare's works becoming popular in these venues.

The practice tended to alienate indigenous theatre artists who had the preference for a concept of theatre within the traditional elements of Zambian ways of life. As a matter of fact, most Zambian theatre artists were denied a respectable platform to express themselves; needless to mention the low artistic and social status they were accorded until after the running of theatre houses was handed over to Zambians some time later in the pre-cultural policy era. Where Zambian dramatists took part in popular productions, they often did so as a hobby without much consideration for pecuniary rewards. Quite often artists performed for nothing or a mere hand shake which is now tantamount to exploitation of one's rights, (Malamafumu, veteran actress, personal communication, August 25, 2006). These and other factors contributed to making theatre arts not so common and popular among the ordinary local Zambians during this era as compared to other art forms.

Music and dance on the other hand were largely in the domain of the Department of Cultural Affairs and received a lot of participation from the local people. One factor that stimulated great interest in the performance of music and dance was due to the traditional communal manner that these art forms still encouraged in terms of organisation and performance, except in instances where popular guitar bands had evolved the scope of

performance to include "foreign" mannerisms suitable for the emerging cosmopolitan audiences. At national level, a major outcome of the enthusiasm was the creation of the national dance troupe based at Lusaka within the Department of Cultural Affairs.

The Department of Cultural Affairs regulated all art forms and at the same time was itself a "performer" through the national dance troupe. It was administratively very cumbersome, (W. Kaonga, personal communication, September 11, 2006). Kaonga explains that government was quite often abusive or exploitative when through the Department of Cultural Affairs it hired performing artists to perform at state functions without contracts stipulating the terms and conditions of service. He attributes the "culture of free artistic services" in this era to the absence of official recognition of the arts as an industry and source of employment thus government not providing policy guidelines in this respect. The practice of free artistic services was encouraged on the part of government as it was in some ways perceived like receiving homage in a traditional way from the performers.

For instance, musicians spoken to felt that this era denied them their rewards through denial of performance rights and copyright royalties either by government as a public broadcaster or private individuals through piracy. Entertainment houses and most other clients also played a part in exploiting and demeaning the musicians because they did not usually provide physical working environments that were conducive. They also made it difficult for the musicians to negotiate their pay as they made them to believe that they were being done favours and as such they had limited negotiating rights. Stories and examples of exploitation have been told and are varied but what is significant is that they all talk about issues related to terms and conditions of service, including the artistic and social rights protection.

P. Kaiche, a folk musician and technician who once worked for the mines, comments that this era also exposed performing artists to undue stigmatisation because society had a misconception, believing that the arts were for failures and a pastime for school dropouts. He concludes that it might have been one of the reasons legislation to compel the

protection of the performing artists was not put in place at that time. The writer would like to concur with Kaiche especially in view of Toepler and Zimmer's (2002) observations when they discuss historical and institutional arrangements as being some of the factors that influence and direct the courses of national policies.

Historically, Zambia was coming from or still was in the era that traditionally disregarded the arts as being a profession. Institutionally, it may also be argued that as a "new" country Zambia then lacked a well co-ordinated institutional framework and did not have necessary legal framework to ensure effective formulation and implementation of the cultural policy. On account of traditional systems that governed artistic performances, it could be argued that legislative policy in this domain has not been necessary.

During the post independence and pre cultural policy eras, both the privately and publicly sponsored performing artists suffered similar consequences and were more or less affected in the same ways. Except that there were certain experiences which were rather peculiar to the civil servant performing artists. For instance, in the absence of a national policy, publicly sponsored performing artists were managed under what could be called "in-house cultural guidelines". Each government agency or department that employed performing artists worked out their own policy guidelines, which were invariably in line with Presidential decrees. Performers were also subjected to the personal inclinations of the Head of Department in as much as giving direction in the running of the arts and cultural affairs was concerned. While on the other hand, some stakeholders claim that privately sponsored performing artists were completely left at the mercy of their "employers" for any matters that affected their work.

As a result, there was inconsistency as the Heads of Departments came and went, which were generally observed in priority areas like in terms and conditions of service. Nonetheless, despite having the discrepancies, all government sponsored groups had one thing in common; they were all established to serve as living museums of folk culture, music and dance apart from providing entertainment and raising revenue for their respective departments. Worth mentioning here as well is that publicly sponsored

performing artists were recruited under terms and conditions which were more or less similar to the ones currently obtaining in the post cultural policy era in consistence with the general public service provisions for classified employees or civilian staff working in uniformed services. The general civil service provisions are not discriminative in nature and as such they do not give preferential conditions to selected types of employees like performers. Government departments that employed civil servant artists apart from the research sample groups were the uniformed services which included the police service, prisons service, air force and the army. The four uniformed services are still employers of performing artists.

3.3 The National Cultural Policy and Post Cultural Policy Era

The National Cultural Policy was launched in June 2003 and marked the beginning of the post cultural policy era in Zambia. The 2003 National Cultural Policy is the culmination of a consultative process that began in 1992 in which several stakeholders that included the University of Zambia, Heritage Conservation Commission, National Museums Board, National Archives, Arts and Cultural Associations and individuals participated and was approved by the cabinet of ministers.

The policy spells out government views about the arts and cultural sector and the role it intends to play in matters concerning for instance: culture and democracy, cultural identity, international cultural co-operation, artistic and intellectual creation among other things. The policy has identified some aspects in the arts and cultural sector, set objectives and proposed strategies to attain the overall policy objectives of which some are the basis of the study. In this regard, the key focus areas of arts and cultural development and promotion are for example; creation of employment, provision of cultural infrastructure and capacity-building. In order to attain this, the cultural policy within the Fifth National Development Plan 2006 - 2010 framework has outlined a number of relevant strategies to specifically address, for instance: (1) Creation of employment – Professional artist tools and equipment will be allowed into the country free of duty and value added tax for an initial period of three years to encourage private sector participation in the development the arts and creation of employment in the

country. (2) Cultural infrastructure - Construct and rehabilitate provincial cultural centres as well as providing land to private businesses wishing to invest in cultural infrastructure. (3) Capacity-building – Establish a cultural heritage institute that will locally train artistic and managerial professionals.

The cultural policy was disseminated through government line ministries, agencies, media houses, cultural institutions and arts associations. The implementation process of the policy is an on going exercise which has been integrated in the Departmental strategic plans of the Ministry of Community Development and Social Services within the Fifth National Development Plan of 2006 – 2010. The era has since coincided with the Fifth National Development Plan 2006 -2010 in which the policy seeks to operationlise Article 112 (g) of the Republican constitution, which states that the state shall take measures to promote the practice, enjoyment and development by any person of that person's cultural tradition, custom and language insofar as these are not incongruent with the constitution. It is in this regard that the policy asserts itself to provide an enabling environment for safeguarding and promoting Zambian tangible and intangible heritage and to ensure the development, promotion and protection of arts and cultural industries.

In addition, with regard to statutory frameworks, the government continues to work towards the application of the enacted laws that enhance the enjoyment of artistic and cultural rights, such as the National Arts Council Act No. 31 of 1994, the National heritage Conservation Commission Act (1998), and the Copyright and Performance Rights Act (1994). These are some of the government's efforts in ensuring support, protection and development in the arts and cultural sector so far. Today, these could be said to be the main instruments responsible for directing the course of the arts, culture and heritage in Zambia. Apparently and regrettably to most stakeholders, the sector's activities as indicated at the beginning of the chapter, are separated and sometimes fall under different ministries making the co-ordination and funding of the sector quite cumbersome. National Arts Council chairperson Mulenga Kapwepwe (The Sunday Post 2007, p.8) talks about the funding consequences in the existing situation:

> We are scattered across five ministries as a cultural sector which makes it difficult

> for donors to give money because they don't know where to place the custody of the funding. We need to start looking at rationalising the sector, focusing the sector where we think it will benefit development of this country.

The dawn of the cultural policy era in the country has been welcomed and this has resulted in a lot of expectations from all stakeholders including the government itself, but most particularly performing artists. As already mentioned, performing artists' expectations are invariably mixed, largely dependent on one's artistic vocation, interests and perspectives of the sector. During the research, most of the respondents based their evaluation of the cultural policy era on the policy's proposal to create an enabling environment that develops, promotes and protects the arts and cultural sector including the lives of the artistic and cultural practitioners.

With the implementation of the cultural policy (2003), National Arts Act (1994) and Copyright and Performance Rights Act (1994), a number of developments have occurred which have either negatively or positively impacted on the industry. Some observers indicate that certain new changes have generally meant well for the sector. For instance, government's gesture to recognise the sector at policy level has in its own been seen as a positive start towards meeting the artists' aspirations. While at the same time some of the measures have been said to be irrelevant as solutions to the problems that performing artists face. In fact, they can be viewed to be a deterrent to the full development of the sector in its complete meaning. So claims Moses Sakala, a privately musician (personal communication, August 12, 2006), in supportive reference to the segmented arts and cultural sector which is distributed over five ministries.

He also cites examples in which performing artists are required to obtain clearance certificates from the National Arts Council before embarking on performances abroad. It must be noted that obtaining a clearance certificate is not a natural privilege because applications are firstly endorsed by an arts association. Meaning that, all performing artists are expected to belong to an association of some sort. He further agues that this is a violation of one's human basic rights as it implies denial of one's right of association; to belong to an arts association or not, should be the prerogative of an individual.

In accordance to government's resolve to fighting against piracy and copyright violations, the policy proposes the use of public awareness campaigns on the need to respect these aspects. This has put the Ministry of Information and Broadcasting in a strategic position as an important player in making sure that campaign messages are disseminated far and wide through its mechanisms. As a custodian of the Copyright and Performance Rights Act and by virtue of its mandate, the role of the Ministry of Broadcasting and Information cannot be over-emphasised in the effort to protect the artistic rights of the intellectual creators. The policy governing anti piracy and copyright violations further incorporates the Zambia Police Service as a partner in fighting these practices. The Zambia Police Service has the powers to charge anyone flouting the copyright and intellectual property rights with criminal offences.

Going by what the performing artists especially musicians said about the prevalence of piracy and copyrights abuse which has now reduced in the post cultural policy era as compared to the pre-cultural era. One can thus conclude that the institutional arrangements so far made within the broader policy environment to specifically ensure the protection of artistic and intellectual rights are bearing positive results. Many musicians report that they are now able to get royalties from their recorded works and at the same time have witnessed reduced levels of piracy of their works, unlike in the pre-cultural policy era, when musicians used to get almost nothing from their works. At least, musicians are today able to appreciate the little that they are getting in form of royalties and other entitlements.

Closely related to royalties and pecuniary rewards for performing artists is the sense of self esteem and professionalism that has been enhanced during this period. While there are still some segments of society that regard the performing arts as a pastime, the performing arts have received tremendous recognition by most stakeholders including the general public. This has also resulted in a change of attitude on the part of the practitioners and has encouraged professionalism in the industry, notwithstanding the often adverse conditions under which they still operate. The advent of the policy has

strengthened the arts associations and given legitimacy to what they stand for. This in itself has to some extent contributed to the new positive perceptions of the industry from within and outside.

Operations and activities of registered national arts associations are endorsed and financially supported by the government through the National Arts Council's annual grants while the Department of Cultural Affairs mainly attends to cultural matters that pertain to the country's chiefdoms. In this way, the government is able to extend its assistance even to performers who operate outside its establishments and by so doing, government is able to fulfil some of its cultural policy aspirations. This arrangement also streamlines operations of arts associations and makes for their easier monitoring through out the year. Arts and cultural associations are in turn expected to provide reports to the National Arts Council and the Department of Cultural Affairs respectively. It is also government's desire that all performing artists should belong to such associations in order to facilitate easier and quicker mobilisation of performing artists and also to effect optimum administration in the sector.

3.3.1 Work Places and Occupational Health and Safety

Employment opportunities for performers have increased in the post cultural policy era as compared to the pre-cultural policy era in which work places were limited and mostly restricted to the urban areas. This, however, is not to mean that the policy has solely been responsible for this development. There are other factors that are also in play such as an increase in the demand for live performances in entertainment houses, including hotels and restaurants, recognition of the role the performing arts play in disseminating civic awareness campaign messages etc. These factors are not directly connected to the policy.

Apart from the above mentioned examples, work place situations now include concert halls, open-air stadiums, bars, private residences, corporate premises etc. Some of these venues have however proved imperfect for artistic performances, basically because they were not originally designed for such purposes. Further, the emotional pressure and stress to which performers may be exposed may to a large extent be an inherent part of

their profession, but their human and social costs are very real and need to be recognised. Some factors may put the health of performers at risk including inappropriate lighting and temperature, excessive noise, poor air quality, physical strain, internal and external physical building features that are not user-friendly, plus other occupational health and safety risks that usually occur in such places.

By and large, most venues that are used for artistic performances in Zambia are not suitable for such activities and often pose a lot of occupational hazards. Performers complain that some of the venues lack physical provisions like change rooms, backstage toilets, properly constructed stages with access ramps besides the stairs, etc. The omission of these provisions is not only a disservice to the performing artists but also a safety danger even to equipment, mostly especially in cases of band music equipment in situations where access ramps are not provided. As this is not enough, it is also not uncommon to see temporal or makeshift performance stages to be erected in the open; in places that may be lacking some of the critical requirements for an ideal performance venue that guarantees the health and safety of both the performers and audience, including the equipment. The situation is further compounded by the fact that there is no legislation at the moment that deals with occupational health and safety in the informal economy in the country (National Employment and Labour Market Policy 2004).

Several of my informants revealed that performing artists have drawn the attention of government to these concerns and have evaluated the policy's impact on protecting their rights. Accordingly, some of them expressed that this may also imply protection of their rights to better working environments that are free of occupational health and safety hazards. The cultural policy may in this regard be rendered impotent as an effective intervention to address this concern in the absence of the informal sector matching legislation, which for instance, will compel "employers" in the performing arts industry to provide controlled in-door air quality, suitable equipment and platforms to avoid straining the physical wellbeing of the performers and also to adhere to a system of regulating performance durations in order to further reduce physical stress on the performers.

On the other hand, some performing artists argue that occupational health and safety matters are not a major concern as compared to issues regarding their income and social security. They claim that their profession is less prone to these occupational occurrences and as such may not warrant prioritisation or become a basis on which to evaluate the impact of the policy on their working conditions. The ILO, of which Zambia is a member and signatory, defines working conditions as being constitutive of the physical, social and managerial factors that affect a worker's job environment. The definition to a large extent is also seen to encompass factors that affect occupational health and safety.

Guided by this understanding, occupational health and safety concerns are therefore legitimate and are part and parcel of the rights of the artists that the cultural policy seeks to protect, though this is presently happening within an unregulated informal sector context which is characterised by lawlessness and violations of peoples' rights. Remedial measures in this case may involve regulating the general informal sector or enacting specific sectoral legislation as an appendix to the national labour policy. In this regard, the sectoral labour legislation on arts and culture would therefore address some of the aforementioned occupational health and safety concerns.

Informants of this research, observe that the policy has not addressed the issues of occupational health and safety hence the perpetuation of sub-standard work environments. G. Daka, a dancer, claims that for as long as the government through its machinery does not push for better working environments for performing artists, performing artists will always be looked down upon and remain abused in as far as protection of their rights to conducive work places is concerned. Poor work environments are not only common among performing artists but to craft artists as well as Victor Mwansa, laments:

> Government should help people in the crafts business with materials and a warehouse where they can operate from. Look at what we do and how we work. We work under very harsh conditions and we would be very grateful. (The Sunday Post 2007, p.9).

As rightly pointed out by Mwansa, closely related to concerns about poor work environments is also the issue of providing work attire and tools (stage costumes and instruments) at work places. A major difference exists in this instance between the publicly and privately sponsored performing artists. Publicly sponsored groups are usually supplied with better attire and instruments as compared to privately sponsored groups; this also includes the provision of transport. It does not nonetheless mean that its government's deliberate position as in the national cultural policy to single out publicly sponsored groups for such provisions. Instead it is just as a result of government as their employer being in a better financial and administrative position; the underlying fact is therefore that publicly sponsored groups are more sustainable only by virtue of government's disposition.

While publicly sponsored groups would have almost all these provisions whether they perform to raise funds or not, privately sponsored groups have no option but to raise funds through performances or other means. Furthermore, apart from sourcing funds for their costumes and equipment, privately sponsored groups have an obligation to also raise funds for the groups' salaries. "Must work" circumstances force privately sponsored performing artists to work even in environments that they may know are not favourable. Protection of these rights is further made precarious by the fact that the cultural policy does not explicitly take the subject on board and also that there is currently no legislation for the protection of one's rights in the informal sector.

3.3.2 Conditions of Service in Work Places

Conditions of service, specifically those concerned with remunerations and social security protection stand out as common grievances among all the informants regardless of their areas of practice. They claim that performing artists are the least paid and are not paid according to the efforts and time they put into performances. Most of them, especially the privately sponsored also allege that they do not have any social security schemes and that their managements rarely provide them with any social security protection. For example, the Zambia Association of Musicians says that there are no

standard professional fees for the musicians in the country. What the musician gets for his services is a result of one's negotiating abilities. This has also been echoed by all the performing arts associations who assert that what a performing artist is paid solely depends on one's capacity to bargain.

As it stands, with the absence of obligatory guidelines compelling fees to be paid to performers, performing artists have often been left at the mercy of employers or clients, especially for privately sponsored performers. In this vein, D. Moyo, a labour consultant at the Ministry of Labour and Social Security explains that efforts to unionise the arts industry have been made in recent years in order to protect the artists' interests and rights, and mostly to give guidelines on remunerations. Regrettably however, this has not materialised, partly because of different interests among arts associations and also the lack of a legal framework to support such a union, (personal communication, November 12, 2006).

Despite the cultural policy's intimation of seeking to alleviate social situations of artists by protecting their artistic rights, it may not be attainable in the absence of effective matching legal and institutional frameworks to cover the sector. Although it may be argued that the Minimum Wages and Conditions of Employment Act CAP 276 already exits, which generally covers workers in employment where proper wage fixing and determination of conditions of service machinery is non-existent such as found in the informal sector, this piece of legislation has however not been effectively enforced up to date. Our view is that this is so partly due to the large proportion of the informal business activities taking place in an unregulated environment as compared to the number of enforcement officers in the country coupled with other logistical factors.

The Act evidently does not work for the arts industry, such that it suffices to even mention that in fact the Act does not exist for the arts. This is so because the Act lacks direct connection with the arts industry i.e. a sector specific instrument which is like an appendix, through which its enforcement can be implemented and monitored like the case is with shopkeepers who also fall under the informal sector. By its legal implications, a

sector specific instrument would only be concerned with the issues in the performing arts industry and as such this will to some extent ensure effective regulation of the sector in line with the broader labour policy provisions and the Act. Among other things, the sector specific instrument may address and intimately concern itself with contractual obligations by the performers' employers. Currently, shopkeepers in Zambia are the only informal sector workers benefiting from the implementation of a sector specific instrument under the Minimum Wages and Conditions of Employment (Shopkeepers) Order of 2006. Among other things, this statutory instrument requires that shop owners pay monthly minimum recommended wages of 268,800 Zambian Kwacha which is an approximate equivalence of 70 US$ to shopkeepers like any other Zambian worker and also that they provide for them safe and conducive working environments.

M. Muyembe, a Principle Labour Officer (personal communication, January 24, 2007), observes that the implementation of a sector specific instrument has for a long time been made difficult because the performers have always carried out performance businesses on their own as individuals or groups, "selling" their artistic works without establishing strong and long employer and employee relationships. He further notes that besides the absence of an employer and employee relationship, the performing arts industry has not economically and significantly grown such that it has in some way rationally attracted secondary attention in terms of labour policy enforcement on the part of government. As a result of this unenthusiastic policing of the arts and cultural sector, respondents have revealed that none of the private employers or clients has been compelled by the Act when negotiating remuneration packages with performers. Quite often performers are left to defend their causes but they usually end up ripped-off and losers. Notwithstanding the policies, National Arts Council and arts associations, performing artists still compromise their positions because support and protection are not readily available.

C. Aka, a seasoned music performer says nothing much has changed even in the post policy era with regard to monetary value that society generally attaches to the performers or their works. This is for instance in spite of the occasional royalties that some musicians may get and also the overwhelming social recognition that the performers have

generally been receiving. He laments that most Zambians still believe in free artistic services. On the contrary, V. Makashi Director of the National Arts Council opposes these sentiments when he defends government and the people of Zambia as having considerably changed since the post cultural policy era. He claims that Zambians, including the government are now willing to pay for artistic works but what may determine the amount to be paid is the type and standard of the work in question.

While it is evident that government advocates for befitting monetary rewards for artistic services, for example as seen through the National Arts Council's slogan that reads "Putting Value on the Arts", much still needs to be done in order to translate the slogan into realities. Some observers say that the good intentions in the slogan lack the backing of a political will to act as a catalyst towards the full realisation of the intended objectives. Unfortunately as the situation remains, the slogan will continue to be a mere set of words without having any desired impact on the industry. What then seems unavoidable is for government to reinforce both the cultural and labour policies by providing a direct linkage of the two policies in the form of a sectoral instrument that will directly relate to the artistic labour force and its market in an effort to ensure that issues regarding wages and conditions of service in the sector are effectively addressed as the case is with the statutory instrument No. 56 of 2006 for shopkeepers.

A lot of complaints were recorded during research about government's alleged inertia about protecting performing artists' interests and rights despite having formulated and implemented the policy. F. Tewewe, a publicly sponsored actor claims that most artists feel that the situation has worsened because their various expectations which were stimulated by the launch of the policy have not yet materialised. He notes that the old days were better because it was a matter of expecting the unexpected from the government when there was no policy, unlike in the present policy days when "everyone" knows the government's agenda on the arts and therefore have certain expectations. It is apparent that artists in general are exploited in Zambia and that the exploitation is now felt more than before as they continue to question the policy on a number of issues addressed in the document.

Kapilima, a labour commissioner re-iterates that the many problems facing the arts and cultural sector in spite of all the existing measures are largely caused by the failure on the part of government to institutionalise the informal economy in which various legislations could be implemented, which can possibly cover the arts and cultural sector as the case is in Mozambique where according to ILO sectoral working paper (2001), specific inspections are regularly carried out by the National Governing Body for Culture so as to check, among other things, whether contracts actually have been signed between musicians and show-business promoters. It suffices therefore to conclude that the government in Mozambique has deliberate and planned attention towards the performing arts industry through legislative provisions that empower officers to for example make such random inspections as cited above.

Several pieces of legislation to safeguard the rights of workers and improve working conditions however already exist in the formal sector. Labour laws in particular the Employment Act Cap 268 and the Industrial and Labour Relations Act Cap 269, make specific provisions for safeguarding rights at places of work. Issues such as forced labour, child labour, freedom of association, contracts of service and discrimination in employment have been addressed in the two Acts. Unfortunately, these provisions do not cater for the people employed in the informal sector who are usually in the majority and always victims of low wages and poor conditions of service.

In addition to low wages, performing artists revealed that they are also usually exploited when they are made to perform for long hours; sometimes without taking reasonable intervals during performances. There is overwhelming evidence that quite a number of musicians have been victims of this type of exploitation on many occasions, while this is not so extensive among other forms of performing arts. One thing may explain this in the case of drama performances; the plays are always timed within certain durations such that there is seldom room for impromptu extensions of plays. Based on the foregoing concerns as observed by informants, one is therefore likely to deduce that the post cultural policy era has not fulfilled some of the peoples' expectations and that it is being waited upon to present the arts fraternity with the long awaited desirables.

Lack of social security provision as part of conditions of service is yet another major issue, though however this is most entirely a concern of privately sponsored performing artists. The Zambian National Employment and Labour Market Policy of 2004 defines social security as being the protection which society provides for its members through a series of public measures against economic and social contingencies or any kind of collective measures on activities designed to ensure that members of society meet their basic needs as well as being protected from contingencies such as old age, illness, disability in order to enable them maintain a standard of living consistent with social norms. In Zambia, the protection of social security within the labour laws framework is provided for in the National Pension Scheme Act, No. 40 of 1996 and the Pension Scheme Regulations Act, No. 28 of 1996.

Generally in Zambia, social security has not been given prominence in the overall national policy development. As a result, it has been restricted to a very small population of gainfully employed persons in the formal economy. Where and when social security provisions exist, their coverage is also restricted to a few contingencies of retirement, incapacitation, compensation to next of kin and funeral expenses. It is an undisputable fact that people operating in the informal and rural economies have always been left out of the social security net. Consequentially, government has since been making efforts to mobilise the informal sector workers, including performing artists to form mutual aid societies that would collect contributions from members, which can be used to meet needs arising from contingencies such as sickness, injury, death, permanent incapacitation, etc.

In spite of government's realisation of its omission and the efforts being made to address the provision of social security protection in the informal sector, some performing artists still contend that there is practically nothing positive happening on the ground. As earlier observed, in as far as the provision of social security is concerned; publicly sponsored performing artists are well catered for by the government being their employer through respective departments. Government has remained adherent to the mandatory obligation

of employers to provide social security to their workers by subscribing with social security providers. Government provide its workers with social security protection through statutory social security schemes such as NAPSA which offer protection against economic and social distress to retirees and disabled employees, including survivors of the deceased, as a result of occupational injuries, diseases that may lead to permanent incapacitation or death. In addition the Workers Compensation Board of Zambia also serves to cushion the workers' miseries by providing finances in cases of accidents or other misfortunes at work places regardless of whether they belong to the public or private sectors.

In this respect, concerns about contingencies among public workers that include publicly sponsored performing artists have been taken care of, ensuring the continuation of a manageable life even when one is no longer actively serving. Despite the alleged poor remuneration in the civil service, government still remains an attractive employer partly because of its better record in observing workers' rights and providing for their social securities as compared to the entities operating in the private sector. This may be explained by virtue of government itself being an employer and a signatory to ILO which advocates for decent work and regulates international labour standards. According to ILO Sources and Methods, labour statistics (2000), the meaning of "decent work" includes: work which generates an adequate income with adequate protection and productive work in which rights are protected. Some informants insinuate that government as a first part signatory to ILO conventions has been put in a tight corner such that it has no option but to deliver on ILO requirements as an employer.

What seems lacking in this regard is that government has not taken the same effective stance towards the private sector like it has exhibited in the public domain to make sure that all other employers in the country adhere to decent work prerequisites and international labour standards. Though it may be argued that government has formulated and implemented domestic laws according to ILO conventions, these have nonetheless fallen short of their usefulness in the informal sector particularly the arts industry according to K. Mambwe (personal communication, December 15, 2006). Mambwe who

is a dancer claims that most of the labour laws are only practical in the formal and public sectors; making it even worse is the fact that the cultural policy does not seem to fully address labour related problems affecting the artists, hence leaving the industry almost unregulated to the advantage of the employer or hirer.

So often, performing artists operating under private sponsorship do not have any social security protection, either offered by management or as a voluntary personal initiative by the concerned individual. Lack of law enforcement on the part of government, ineffective arts associations, low incomes and loose alliances among performing artists are some of the factors that have contributed to the prevailing situation. The current circumstances have made performing artists to work under very precarious conditions; without any guarantees for a continued better life after many years of active participation in the arts as a performing artist. Employers do not provide social security for their artistic employees, which is mainly due to their unwillingness to extend this right to the workers. It even becomes more difficulty and sacrificial for the performing artists to embark on individual voluntary social security schemes because of the meagre and irregular incomes that they are usually exposed to.

Many privately sponsored performing artists live for the day, quite often even without bank accounts because of the same meagre and irregular income problems. It is an unavoidable conclusion that the concerned performers do not regard it as being prudent to contribute with a social security scheme or deposit part of the salary in a bank account when in fact their incomes are too low to even last for more than two weeks. Research has revealed that performing artists in Zambia generally live a “hand to mouth” kind of life upon retiring from active performing, barely with any finances to spare for the future but except for the social security premiums in the case of civil servant performing artists who are in the publicly sponsored domain. Some stakeholders attribute this to most of the performers’ life styles and accuse them of being lavish spenders without any considerations for the future.

In a 2006 workshop presentation to musicians, this author notes that Zambian performing

artists are generally seen as not being in the habit of saving funds or interested in securing their futures through voluntary contributions to social security schemes as can be concluded from their wilful spending so long money keeps coming their way. Sympathetically, this may on one hand be a resultant of insufficient and irregular incomes, such that it becomes very difficult for them to put aside some amount but instead opt to spend it all as it comes. While on the other hand, it may be due to sheer lack of will-power on the part of the artists to safeguard their future.

The desire and capacity to save or contribute to social security schemes is further made difficult to be realised because some performing artists have a tendency of relegating themselves to beggars, strongly relying on appeals to the audiences' generosity. This is so in spite of the seemingly improved goodwill by stakeholders towards the performing arts as an income generating activity for which they are now at least willing to pay or are able to pay. The olden custom of free artistic services is gradually dying; formerly, most performers were in most instances left with barely any cash to survive on, as a result they were easily susceptible to destitution. The ILO report of 2001 also reports of similar situations in some African countries where the state sets a bad example by organising events for which musicians are not paid. Over and above, the trend in itself is demeaning to the performers and deprives them of a well deserved income.

The current rules governing social security protection do not offer suitable coverage to performing artists due to the specificity of the vocation, especially for those falling outside civil service auspices. In view of this precariousness, most privately sponsored performing artists have been enticed to take up other trades and are often exercising a second trade. Many of them are teachers, shopkeepers, or involved in other trades on a fulltime basis from which they are able to secure their financial security. Apart from social security protection, performing artists who exercise dual or multiple trades are also assured of continued subsistence even when they have not been performing. But as for those who do not have a second trade, they always remain as performers, solely depending on incomes from performances and often working for multiple employers and alternating between employment and unemployment.

3.3.3 Unionisation in the Performing Arts

It becomes inescapable to discuss in a more detailed manner some issues pertaining to unionisation that emerged during the research, and which is believed might have a strong bearing on a number of issues so far discussed vis-à-vis working conditions in the performing arts industry. It has become evident that solutions to some concerns about the working conditions in the performing arts industry do not entirely lie in the hands of government through its respective legislation but always requires the consented efforts and co-ordination of principle stakeholders. In this instance, reference is made to the performing artists themselves who could positively contribute to this endeavour through a collective body that represents and protects their rights and interests among the public and private employers, including "consumers" of artistic works at large.

As a general rule trade unionism is provided for under Part Two of the Industrial and Labour Relations Act, Cap 269 which among other things guarantees the freedom of association for both employees and employers. Freedom of association through trade unions is generally recognised in legislation though, it is only viable in the public and formal sectors where its manifestations are evident and the impact felt by both the employers and employees. The lop-sided development is due to a number of factors, some of which have already been alluded to in the preceding paragraphs. Some respondents and stakeholders agree that the absence of a union where performing artists can belong is a disservice to the sector. They believe that a number of the problems affecting the performers could best be solved through union representation together with government support.

In view of the fragmented arts associations in the country, a union by virtue of its mandate will legislatively provide a common platform for all performers at which labour related issues among other things could be addressed. The current National Arts Council Act 31 of 1994 which governs the existence of arts associations and societies in Zambia has limited the arts associations' powers or role they can play in labour-management affairs through a systematic verification process of the objectives and functions of

associations to ascertain whether they are not repugnant to, or in inconsistent with the provisions of law for the formation of arts associations in the country. To some extent, this therefore does not make arts associations very effective representatives with the edge of providing lawful comprehensive approach to solving labour matters because this is not the arts associations' domain. The fact is that unions have this lawful mandate instead, and have traditionally been known to be more interested and focused towards representing and protecting the members' interests with their employers and all stakeholders while the arts associations' terms and references rather tend to promote the activities of such associations with less emphasis on labour concerns. As such, it may be concluded that unionisation could be the ideal practice in solving labour related problems as compared to the services that the arts associations provide which are usually developmental, promotional and preservation. Better still; the two practices can however co-exist since their fundamental objectives can play a complementary role to each other.

Ben Banda, a theatre artist and advocate for a union for performing artists also emphasises that a union is the right institution to address their grievances in the absence of a well defined position for the artists in both national labour and cultural legislation. Further, a union is deemed to be sector specific and capable of protecting the rights and interests of its members because all its programmes of action and terms of reference will be motivated by the performing artists themselves for their own good. This view is shared by most of the fraternity, including ordinary followers of the performing arts in the country. Though the evidence is overwhelming, the environment and circumstances which are variably within or beyond the performers' control may not yet be conducive to support the formation of an effective union.

As already indicated by Moyo (2004), in the absence of a union, some of its supposedly functions have somehow been taken up by performers' associations. Though quite often, the associations are seen to only be concerned with demands for the state to become more involved in the performing arts, management of intellectual property rights and the implementation of a system of social protection etc, which is done through the National Arts Council and or Department of Cultural Affairs while neglecting a mutual

relationship with performers' employers and consumers of artistic works.

Traditional perspectives, which up to now have not completely changed about the performing arts, have had a strong negative influence on actualising unionism in the country. It has always been perceived that performing arts are not a profession and as such may not warranty formation of a union. In addition, there are also economic factors that may affect the formation of performing arts unions. For example, the Ministry of Labour and Social Security report of 2004 alludes to the more hostile anti-union managements in the new privatised economic environment to the extent that some investors/employers are even refusing to recognise unions.

The report further observes that the new investors are encouraging part-time, temporary, and casual employment in an attempt to lower costs and avoid unions. Unionism is provided for by law in permanent employment as already noted. Many a time, employers do not want to embrace unionism because time and again they are not willing to honour collective agreements that may be reached upon with unions through the processes of collective bargaining. The practice is not only peculiar to different sectors of the economy but also concerns the arts and cultural sector, which tends to down play the mechanisms of unionism in all instances and in return make it possible for the employers to operate in an environment void of workers' unions. The absence of a workers' union disadvantages the workers by lack of a collective approach when dealing with management while at the same time it gives a lee-way to management when deciding on labour matters.

The ILO study report (2001) also notes that the tendency by performing artists to have a second trade harms the legitimacy for professional unions. A befitting illustration in this instance is further given about Zambia:

> Thus, in Zambia, the professionalism of musical performers is not recognised, and some musicians are, in accordance with their second trade, members of the union for agency employees or teachers.

Being "Jacks of all trades" and concurrently having established a "home" in other trades aside the performing arts, undermines society's confidence and the respect bestowed on

the performing arts as a profession, hence lessening the chances of legitimising the formation of a union in the face of stakeholders and the general public. The practice of multiple tradesmen may in this case be regarded as confirmation of the general assumption that the performing arts are largely a pastime activity in Zambia, which also reaffirms the suggestion by some segments in society that performers do not merit union representation but should rather continue being represented by associations which unfortunately essentially do no hold union rights.

Though the phenomenon of multi-activity provides essential means of subsistence among a huge percentage of performing artists, it also tends to promote the existence of loose alliances among associations and performers themselves who by virtue of their vocations are expected to have had very strong alliances in order to successfully push for the formation of a common union that represents all forms of performing arts. Loose alliances have been known to always work against the attainment of most objectives in several situations from time immemorial, and so the old adage testifies "united we stand, divided we fall". Loose ties are rampant especially among the privately sponsored performing artists because they are more or less intermittently strictly tied to associations, employers or ordinary individuals as compared to those serving in the civil service and who may be bonded in one way or another by virtue of being public workers.

By and large, the formation of a union in Zambia strongly lies in the hands of performing artists, owing to the respective legislative provisions that have been set by government and on which the performers' associations can act. Admittedly, this may not be an easy task to achieve at the moment in view of the factors that have so far been advanced as being some of the impediments towards this effort. The scenario is not only peculiar to the Zambian situation but also common among several other African countries as the (ILO study report 2001, p.48) reports "There are often performers' associations that are not yet unions; transforming them is not always an easy task…" It is therefore basically conceived that most of these countries are more or less faced with similar circumstances.

Nevertheless, a number of successes in this endeavour have also been reported within Africa and else where in the developing countries. According to Moyo in the Cultural Mapping Exercise report (2004), Namibian artists successfully managed to form the Namibian Artists Union (ORWANO) in 2003. Another example is the Creative Workers' Union in South Africa, an organisation representing the interests of all creative workers. Apart from unions that represent all kinds of performing artists, specialised unions representing the interests of musicians have for example also been established in Cameroon, Mozambique, Niger, India, Japan, Ecuador, Panama and Argentina (ILO study report 2001).

In Zambia, unionisation in the performing arts industry is still yet to be realised, because the performing arts sector is not well organised within itself despite the sector having the largest contingent of human resources as opposed to that of the visual arts, which paradoxically has always been better organised with an undisputable reputation even before the cultural policy was implemented. This state of affairs has of course reinforced the breaks on the progression of forming a union. M. Muyembe (personal communication, January 24, 2007), explains that the disorganisation in the performing arts sector coupled with the low rate of growth in its business activities makes it difficult to effectively institute government interventions, not to mention the unfulfilled desires of the performers themselves. Although unionisation is legislatively recognised and so desired by most performers, based on the Zambian pre and post cultural policy experiences, some schools of thought still think the associations are better placed to represent the fraternity.

Owing to the nature of concerns so far raised in the study, the argument on which entity is suitable to represent the performing arts fraternity is left open for future detailed investigations. What needs to be appreciated however is the fact that solutions to several concerns in the study pointed to suggestions which would often involve the participation of performers themselves through union actions or a resemblance of it. It is therefore not an exaggeration to say that intelligent and acceptable union action can help performing artists attain true recognition as professionals in their respective practices

Chapter 4

RESEARCH FEEDBACK

4.0 Results

Results of the study based on the account of observations, written and oral data provide an overview survey of the impact of the 2003 national cultural policy on the performing arts industry in Zambia with specific reference to working conditions. The presentation of the results is segmented in order to systematically reflect the two categories covered in the study i.e. publicly and privately sponsored performing artists and the major priority concerns that they raised. It should be mentioned that both categories covered in the study exhibited mixed verbal and physical reactions about the existence of the 2003 national cultural policy. There were respondents in both categories who responded either "yes" or "no" about the knowledge of the cultural policy and its provisions. This was an interesting discovery in its own, which meant that the author had to start sharing the knowledge about the cultural policy where this was lacking by producing the actual policy document.

4.0.1 Publicly Sponsored Performing Artists

By and large, a greater proportion of publicly sponsored performing artists did not know about the existence of the cultural policy, when and where they did, their understanding and interpretations of the document amounted to almost no knowledge at all. There were however exceptions among the literate especially those working in the uniformed services. In relation to this occurrence, it was noted that most of the members in the national dance troupes were not literate and as such it became difficult for them to fully read and assimilate the cultural policy document. It was also ironic that some members of the national dance troupe were not aware of the existence of the cultural policy despite falling under the Department of Cultural Affairs, the agency responsible for formulating, disseminating and implementing the cultural policy.

In view of their employment status that warrant regular incomes, social security protection and manageable healthy and safety working environments, including other working conditions, publicly sponsored performers are generally least concerned about

the cultural policy and the provisions therein. The overall major issues about working conditions that were raised during research mostly by privately sponsored performers seem not to be major concerns for those working in the public domain. One of the reasons for this state of affairs, could be presumed is among the above cited observations. Being the legislature and at the same time an employer, government tends to make sure that all legislation affecting workers is adequately adhered to, though at times this is may not be so due to limited institutional and human capacities. In this regard, government as an employer has been able and is still improving on delivering better remunerations, social security protection and healthy and safety standards to its workers that also include performing artists.

Regardless of the seemingly stability and the general sense of job and social security among public performers in general, some performers especially the musicians however complain of their intellectual property rights being violated, notwithstanding the cultural policy asserting itself to fight against this trend. Most musicians claim that they do not benefit from their compositions that are recorded while still in service because the royalties gained from recorded songs are not given to the musicians but are instead directly given to the departments that employ them.

K. Mwansa, a Warrant Officer in the Zambia National Service and in charge of the steel band (personal communication, March 28, 2006) alleges that song writers and playwrights in the Zambia National Service are rarely given any copyright royalties for their works. Generally, performers in the public sector allege that all the royalties are first accrued to the band in case of a band, which are then remitted to the department being their employer. It is also common for the employing departments to directly obtain the royalties when this involves an individual musician. Though this practice may be common in public institutions, it is however not likely to be an official government position because the research did not come across any legislative document that supports the trend.

To defend themselves, authorities in the departments where musicians are employed claim that the concerned musicians are employed on the basis of them being musicians and to provide such professional services, including composing and recording songs without attracting any extra rewards besides the provisions in the general labour framework unless where stated otherwise. Access to the employment clauses was difficult and this made it impossible to ascertain the authenticity of such claims. Further, in most places where this anomaly is practised, the officers responsible with cultural affairs happen to be aware of the cultural policy and its stance on the violation of one's intellectual rights.

It became evident in these cases that the cultural policy is usually disregarded and superseded by other general policies that may also be at play, for example military policy and etiquette may take precedence for those working in uniformed services. It matters less whether the cultural policy exists or not for most of the respondents in this category because most of their basic needs are provided for in one way or the other by the employers as guided by other applicable policies. The other factor is the existence of trade unions in the public service that serve all types of public workers including artists, which in a way provides checks and balances and at the same time act as an impetus to government in fulfilling its obligations to its employees.

4.0.2 Privately Sponsored Performing Artists

Most of the privately sponsored performing artists are aware of the 2003 national cultural policy and have read it with keen interest may be partly because it is the "only" official document that seeks to address their grievances, unlike the civil servant performers who may have the privilege of benefiting from other policies. Being in the informal sector where there is no legislation and under uncertain circumstances, privately sponsored performers find the cultural policy as their only relevant document and as such are motivated to scrutinise the policy in view of what it offers as remedies to their concerns. This is made possible partly because most of the privately sponsored performers have a better education and are enlightened. The circumstances surrounding them demand of them to be well informed in order to survive in the unstable job market unlike those in the civil service whose jobs and rewards are more secured.

By far, this category is mostly affected by all the concerns so far raised in the study. All the respondents take a share in the grievances in one way or the other and they broadly have common concerns as well. Their perspectives of the 2003 cultural policy as an effort to address their concerns in line with the policy's clause on protecting artistic and intellectual rights are equally invariably of similar sentiments. Both salaried performers with work contracts and the freelancers falling under this category are all subjected to violations of rights in form of inadequate wages, lack of provision for social security protection, poor healthy and safety standards at work places. As if this is not enough, performers in this category are in most instances even denied the right to negotiate for the terms of service.

In the absence of practical alternative legislation and a union to represent the performing artists, performers in this category have only the cultural policy to look up to for their source of hope and protection. Unfortunately enough, the same old vices that were happening before the policy was implemented are still happening in this era. What makes the situation even more saddening is that the policy is now regarded just as a provocation to the fraternity because its formulation and implementation must have meant that government had in principle appreciated the unfavourable circumstances the performing artists operate in but alas it has mainly remained a theoretical exercise up to date.

5.0 Summary

The current Zambian National Cultural Policy was launched in July 2003 after 39 years of the country's independence in 1964. The consultative process of developing the policy began in 1992 to which a lot of stakeholders including institutions and individuals contributed invaluably. Among other things, the policy seeks to protect the rights of artists and intellectual creators, improve the standard of artistic, creative and cultural products and in turn hope to elevate the artistic and social status of the practitioners. Many performers have so far been using the manifestations of these clauses as indicators upon which to assess the impact of the cultural policy on their professional lives. Inevitably, the views on the performance of the policy are varied and usually based on one's priority concerns.

What came out strongly nevertheless was the concern about working conditions, particularly issues related to remunerations, social security protection, health and safety, and how the cultural policy positioned itself to be able to address these concerns in light of the general provisions in the labour framework. Both the cultural and labour policies in their present forms seem to be disjointed from each other. There is a missing link in the quest to protect the rights of artists especially the ones that have been prioritised by the artists themselves because sector specific legislative instruments do not exist. In countries where cultural policies are complemented by sector specific instruments such as Mozambique, cultural policies are often more effective in addressing the above concerns because they are always informed by these instruments as to what interventional provisions are readily available in particular circumstances.

According to the ILO study report (2001), legislation in Mozambique has for example helped set specific legal standards in the arts and cultural sector that aim at promoting the form and content of employment contracts, by requiring mandatory headings and clauses that provide minimum protection to artists. It is for this reason that the Mozambique government originates standard contracts for use by employers of artists regardless of the length of employment. Relevant government agencies are further empowered to carry out inspections to check whether contracts are actually being used when hiring artists. An adoption of such instruments in Zambia which give legal powers such as seen in the case of Mozambique would greatly improve the prevailing situation especially that most of the performers in the country are either under private sponsorship or freelancers and usually faced with labour problems as compared to their counterparts in the public domain. The mandate could probably be assigned to the National Arts Council since it largely deals with this category of artists, with the possibility of delegating some of the responsibilities to specific arts associations in order to ensure maximum compliance of the requirements by the employers of artists.

In view of the nature of grievances which were raised during the study, it became necessary to also include a discussion on unionism in the performing arts industry. Though unionism is recognised through legislation, it is only enjoyed by the civil servant

performers (publicly sponsored) who are employees of the government. This right is exercised under the auspices of a generalised union that represents all public workers but not under a specialised union of performing artists. Privately sponsored performers, who in fact are in majority, on the other hand rarely enjoy unionism. Actually, unions for performing arts do not exist in Zambia but instead performers' associations have traditionally been taking care of the performers' affairs. As mere associations, they legally do not have the traditional powers of unions and as such they are often unable to exercise any real pressure or effect authoritative interventions.

In line with the cultural policy, performing arts are governed through registered arts associations which are in turn affiliated to the National Arts Council, hence making the National Arts Council the supreme arts body in the country. At present there are four major performing arts associations: 1. The Zambia Association of Musicians (ZAM). 2. The National Theatre Arts Association of Zambia (NATAAZ). 3. The Zambia Popular Theatre Alliance (ZAPOTA). 4. The Zambia Folk Dance and Music Society (ZAFODAMUS). There is also the Department of Cultural Affairs which in fact existed before the National Arts Council was established. Although the responsibilities of the two entities are technically different, the two statutory bodies have since been working in collaboration on national arts and cultural matters.

Performing artists in Zambia who depend on plying the trade for their livelihood are legislatively recognised as workers and as such are covered by the general provisions in the national labour policy framework. Performing artists belong to one of the following two major categories: 1. Publicly sponsored performing artists under the civil service who have a safe job and are subject to full general provisions of the national labour policy. Also under publicly sponsored performers is a subdivision of civil servant performing artists who are salaried contract workers and may only be subject to certain specific legislation as the case may be. 2. Privately sponsored performing artists who are salaried employees with a work contract drawn up in conjunction with their employer and are theoretically subject to the provisions of the national labour code. Under this category are also the freelancing independent performers without a work contract but

who carry out their activities on the basis of civil law contracts, independent of permanent employers. By and large, the privately sponsored performers are in larger numbers, with the independent (freelancers) taking the biggest percentage.

Publicly sponsored performing artists usually work in government departments or agencies as salaried workers. The greater part of this category works in the uniformed services i.e. the air force, army, national service, police and prisons service, while the rest are employed under the auspices of the Department of Cultural Affairs and deployed into national dance troupes. A large number of those working in the uniformed services is however without military training and is non-uniformed (civilian staffs) except in few instances. With better and guaranteed general provisions vis-à-vis working conditions in the civil service, performing arts jobs are highly sought-after but unfortunately they are always limited to a few vacancies at any given time.

On the other hand, privately sponsored and freelancing performing artists are "employed" by production companies, hotels, restaurants, entertainment houses, major events and other entities who are often in the tourism industry sector, including wealthy individuals and at times individual performers or groups themselves. This is the category that is less fortunate in terms of benefiting from the provisions in the cultural policy framework vis-à-vis the labour policy provisions in the absence of a linking sector specific instrument. These performers are often in precarious situations because of the circumstances that surround their employments, which are always negatively affecting their interests hence disadvantaging them at work places. This category of performing artists rarely receives good remunerations, minimum internationally acceptable health and safety standards or social security protection. Quite often, their jobs are neither secured nor guaranteed.

Many of the respondents believe that the cultural policy is generally a well intended document but misdirects its efforts into an open space because there is not a readily available answering clause in the labour policy framework that directly answers to its calls as a sector. A lot of allegations that do not favour the existence of the cultural policy have been put forward by respondents, with several of them claiming that there

has not been much change between the pre and post cultural policy eras. Except that, government has now availed its agenda on the arts to the people, unlike it was before when there was not a clear-cut national policy to guide the sector. There have also been positive remarks about the cultural policy as well though these are outweighed. For instance in areas of international co-operation from which several performers have since benefited and the fight against violation of copyrights and intellectual property rights, including the creation of an enabling environment in general for carrying out artistic activities as acknowledged by both the arts fraternity and stakeholders.

6.0 Conclusion

It has not been easy studying the impact of the 2003 national cultural policy just after 3 years of its implementation especially in an environment like that of Zambia in which relevant institutional and legal frameworks are not well founded and functional to support such an intervention. The citizens' traditional view point about the performing arts coupled with the economic and labour factors also contribute to the intricacies of successfully carrying out the study. Further, the occurrence of performing artists in the civil service with secured jobs and those under private sponsorship or merely freelancing brings forth a different dimension on how to look at the performance of the cultural policy; depending on whose view points between the two categories one is looking at when making conclusions about the cultural policy. The two categories have given varied accounts based on their encounters during the pre and post cultural policy eras.

Notwithstanding the publicly sponsored performers who may be enjoying the provisions of other policies especially the functional ones in the formal/public sectors, the greater population of performing artists in Zambia have not experienced much difference between the pre and post cultural eras specifically concerning issues that are related to working conditions. The amounts of misgivings about the cultural policy have provided an indication of how the performers generally rate the policy's impact since it was launched in 2003. Based on the feedbacks from various respondents, it is unavoidable to conclude that the contents of the policy can add great value to the performing arts if only they were made functional by aligning them to already existing provisions in other

relevant policies. Most parts of the policy are theoretical in their current form and would need realignment in order to be applicable and practical so as to render desired impacts on the intended beneficiaries.

After analysing all the data collected during the study, it became obvious that the 2003 national cultural policy was prematurely formulated and implemented. This is even more so when the traditional and political historical backgrounds of the country are to be taken into consideration. Firstly, performing arts were traditionally driven by society's traditional norms that governed artistic practices, which in most cases were based on communal participation with less regard for pecuniary rewards since the arts were considered as a pastime activity. Secondly, long after independence, the custom of free artistic services still continued in the absence of clear-cut policy guide lines save for presidential or ministerial decrees which were issued from time to time.

The issuances quite often lacked institutional and legal support in order to bear sustainable results both locally and abroad. In 1991 during the multi party presidential elections in which Kenneth Kaunda was toppled, arts and culture were among the sectors the opposition party led by Fredrick Chiluba promised to improve. After winning the elections, the new party in government in 1992 hastily embarked on formulating a cultural policy which became an official document in 2003. Despite having taken an 11 year formulation process, its implementation has however been seen as premature by most of the stakeholders because of its failure to harmonise its objectives with other relevant policies, especially the labour one besides other institutional and legal frameworks. This omission rendered the cultural policy ineffective in implementation, except sometimes within the government system itself where this effort is rather effectively complemented by other sectoral policies. To be precise, the policy is generally seen by most of the fraternity to be a mere political appeasement to the stakeholders both at home and abroad because its connectivity to other relevant policies is vague and most likely unattainable.

In particular, the absence of a specific instrument for the performing arts sector as a linking legislation between the cultural sector and labour market makes it difficult for the clauses in the cultural policy seeking to protect various rights of artists to be achieved. An example of such rights may be seen through the way working conditions are provided; whether these are decent and of acceptable standards or not, and how the policy positions itself to address these concerns. Evidence shows that performers' rights to decent working conditions are constantly violated but as the situation remains, the cultural policy does not have specific legal support to check and normalise these abnormalities. In a nut shell, issues related to working conditions in the cultural policy will always be a source of concern for as long as these efforts remain directed to the general provisions of the labour policy framework instead of a sector specific instrument that can basically focus on the labour matters in the cultural sector. The omission is one of the reasons for the cultural policy's ineffectiveness and insufficiencies.

On the other hand, traditional perspectives about the performing arts have also had profound impact on the national cultural policy and its resolve to protect the rights of artists and intellectual creators. The impact of traditional perspectives can be seen among others through the lenses of unionism in the performing arts and how this phenomenon has traditionally been viewed in Zambia. In traditional Zambian life, organised unionism in the performing arts has not been encouraged because it has often been considered an obligation for the talented individuals to provide entertainment in the community without necessary demanding for any rewards. While at the same time, it has also been the desire of some artists to willingly perform for their communities without any terms and conditions applying. As a result, these trends have more or less influenced both the artists' and non-artists' negative reactions towards the formation of a union. The arts associations that are instead in existence have great limitations to successfully serve the membership with all sorts of problems. In practice, this has created gaps in the triangular relationship involving "employers", consumers and performers and has in fact been a disservice even to the implementation of the cultural policy because the current situation lacks checks and balances in form of views from a union; which is a very significant partner in labour dispensation.

In conclusion, it should be reiterated that the impact of the 2003 National Cultural Policy on the performing arts industry in Zambia with specific reference to working conditions has not been significant to realise the stated objectives whether among publicly or privately sponsored performers. In the case of publicly sponsored performers, the policy is not the main document of reference at their various work places; the cultural policy is in fact usually sidelined. As for the privately sponsored performers, the cultural policy remains the only policy document which represents their interests but unfortunately it is not supported enough by relevant sector instruments which could have made big differences in facilitating its positive manifestations if at all these were in place.

In this research report, I have tried to establish the position and relevance of any policy if and when it is not supported by other sector instruments related to it. I have further discussed the value of professional associations and unions as providers of checks and balances which also serve as impetuses to governments in delivering policy objectives. Traditional norms of a society are yet another factor for consideration when formulating policies especially cultural ones because if these are not taken care of, they may negatively impact on the implementation of policies. For example, it is important to embrace the community's traditional norms and perspectives about performing arts such as on professionalism and commercialisation so that the policy is not seen to antagonise the peoples' traditional way of life.

Through this approach, a number of pertinent issues could be better understood that could promote acceptable practices concerning among other things giving rewards to performers, transformation of traditional ceremonies into tourists attractions vis-à-vis implications of non-traditional practices that are likely to be incorporated such as receiving government grants, which usually have a political undertone and thereby apt to politicise the events. The other issues to be wary about involves copyrights particularly with folklore works within communal contexts in which identification of originators of creative works with specific reference to music and dance is very difficult. In situations like this, such creative works are often said to belong to the community and are rarely

attributed to particular individuals. Lastly, it can be concluded that mere policy guidelines alone are not enough to meet peoples' aspirations. The policy should be a people's document and should endeavour to be relevant to the acceptable ways of life in the target communities.

7.0 Recommendations

The following recommendations have partly been made by the author after analysing the current situation of the 2003 National Cultural Policy with particular reference to its position in the fight against artists' rights abuse and protection of their intellectual property rights. The recommendations are also based on the respondents' suggestions as compiled during field research and the conclusions of the ILO Tripartite Meeting on Conditions of Employment and Work of Performers (1992), in a bid to make future Zambian cultural policies more relevant and effective particularly in areas of current concerns. The 1992 ILO Tripartite Meeting conclusions are particularly a very important resource because they form a basis for relevant subsequent discussions that have since been taking place under the auspices of ILO internationally. Some of the suggestions given below are in general and referring to the policy document as a whole, while the rest are more specific and directed to certain observations as responsorial remedies

7.1 General Recommendations on the Cultural Policy Document

Government has an important role to play in creating a climate in which the performing arts can flourish. This is vital not only from the point of view of economic development, but also from that of social development, of which the national culture is a prime component. As such it is very cardinal for the national policy document that is responsible for the arts and culture sector to assume an inclusive process during its preparation and where possible to even seek expert advice from foreign countries which may have greater experience in formulating cultural policies. In this regard, the government is therefore highly commended for taking on board all stakeholders during the preparation of the cultural policy from the onset. What is more important however, is for the views of all the stakeholders to be considered and possibly be incorporated in the document which according to most of the respondents has not been the case. They allege that opinions of grass root arts and cultural practitioners who largely stand for

traditionalists have not generally been represented such as provision of infrastructure in rural settings and capacity-building. An inclusive process in practice will therefore ensure that views of traditionalists are also represented and not only that of the elite performers.

In future, before a policy can be launched, its objectives and strategies should always be matched with readily available institutional and legal frameworks, where these are lacking; they should then immediately be put in place so as to reduce on the probabilities of rendering the document worthless. Relevant frameworks could include institutionalising a watchdog agency with legal powers to intervene and prosecute perpetrators of stipulated offences in the performing arts industry like the case is in Mozambique where the National Governing Body for Culture regularly conducts specific inspections at performers' work places to check whether any of the stipulated standards are being violated. When coupled with sector specific instruments, this arrangement is likely to yield the desired results. Therefore, broad consultation and research should be conducted so that the policy can be practically responsive to the concerned people and also be able to stand a test of time.

8.0 Specific Recommendations

8.1 Remunerations

The performing arts should practically be "included" in the protective legislation, though special provisions may be necessary and appropriate. This can be done through legislation of a cultural sector specific instrument that among other things would fix minimum wages for performers by law and to which the cultural policy can be talking to on questions relating to earnings. In the absence of legislation, results in this regard can also be achieved through voluntary collective bargaining through a union or arts associations where possible. In addition to negotiating for better remunerations, collective bargaining also has an important role to play in ensuring fair treatment and good working conditions for performers. Further, formation of a union should therefore be encouraged by all means but if this may fail, then associations should legally be given powers to intervene on behalf of the members in labour related matters.

The government should also concern itself with the interests of performers as workers and assist in the development of various interventions that would improve the performers' earnings. Though admittedly, the performers have also a part to play in realising this; they will need to properly organise themselves towards attaining the undisputable trade professionalism. Artistic activities will also be expected to significantly contribute to the national economy so as to justify their higher earnings and in way strike a balance in form of their income and the profession's economic contribution.

8.2 Health, Safety and Working Environment

Generally, the current situation could be improved if awareness among employers to respect the minimum safety standards is intensified. Furthermore, it must be made mandatory in addition to existing statutory obligations for any one hiring the services of performers to include safety matters in the scope of collective bargaining which could yet again be enforced through the sector specific instrument for arts and culture. Specific measures to avert misfortunes at work places may include regular inspection of work places by specially trained personnel with a knowledge and understanding of the special risks facing performers. Appropriate compensation should also be provided through social security systems to performers injured at work or suffering from work related diseases. Further, a list of occupational diseases as provided for in the general labour framework could be revised to include possible conditions peculiar to the performing professions such as occasional loss of voice among singers and effects of excessive noise on hearing so that the efforts of the two policies may be in tandem and achieve a common national goal.

8.3 Social Security Protection

Special consideration should be given to the distinctive characteristics of the performing arts in relation to the performers' employment status (permanent, contractual or intermittent) including their estimated earnings, so that it could be possible for the performers to also enjoy social security protection equivalent to that of other workers. Social security systems should also examine how their provisions may unintentionally

penalise performers especially the non-contractual ones and freelancers by for instance, recognising this type of performers as workers with irregular incomes and adapt the provisions therein accordingly.

In related circumstances, the ILO study report (2001) reports that performers who are classified as sub-salaried workers due to their irregular incomes are obliged to become social security scheme members as if they were "employers" themselves. Though this system has received reservations from some stakeholders because of its proneness to create an easy environment for the actual employers to avoid their responsibilities as employers, it is nevertheless one workable option in promoting social security savings among performers without permanent jobs. While basic social protection should be provided for performers, as for other workers, through statutory social security schemes, collective bargaining also has a valuable role to play here again in supplementing and providing for any gaps in the provision of social security protection.

8.4 Unionisation

Based on the disclosures in the study, it is evident that active participation of the performing artists themselves in the endeavours intended to correct the undesirables in the current inter-relationship of the cultural policy and the arts industry cannot be over looked. Performing artists' participation can be seen in various ways but what is hereby envisaged is through the formation of a union for performing artists. Though freedom of association is recognised in legislation as a general rule, union freedom can only have meaning if its actions are effective. At a general level, unionism is only meaningful if it is intended as a structure for professionals, thus necessitating the existence of a professional status. Most categories of workers in Zambia have already fitted in the overall definition of a union, leaving behind the performing artists to equally fully define themselves as professionals.

It is clear that unionism is stronger if all workers are clearly defined. What is needed then is for the performers who are in the practice of multi-activity to consider investing their resources in the performing arts industry significantly so that there can be stability

in the industry and a sense of professionalism. There however can be no real change in this regard without voluntary action on the part of government to improve the status or the social condition of performers so that their resolve is not compromised in this effort. The state could also give impetus to the dynamism of collective bargaining in the arts industry by championing the formation of a union.

In accordance with what has already been mentioned previously, unions have a major role to play in implementing systems of collective management of intellectual property rights and social protection. Furthermore, several concerns have been raised which have attracted suggestions which are likely to always involve union interventions. It is therefore recommended that a union of performing artists be formed to complement government's effort in pushing for a better arts industry in the country.

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APPENDIXES

1 List of interviewees
2 Interview schedule for performing artists
3 Interview schedule for non-performing artists
4 Interview schedule for government officials
5 Information sheet
6 Participants' consent form for interviews
7 Authorisation letter from the Ministry of Defence
8 Authorisation letter from the National Arts Council
9 Authorisation letter from the Ministry of Community Development and Social Services.

LIST OF INTERVIEWEES

IMPACT OF THE 2003 NATIONAL CULTURAL POLICY ON THE PERFORMING ARTS INDUSTRY IN ZAMBIA WITH SPECIFIC REFERENCE TO WORKING CONDITIONS.

PUBLICLY SPONSORED PERFORMING ARTISTS:

1. Leonard Mpundu
2. Frank Tewewe
3. Nicholas Kawinga
4. WO I Kenneth Mwansa
5. WO II Sam Phiri
6. WO II Elijah Daka
7. S/SGT Jackson Phiri
8. S/SGT Peter Tembo
9. Eunice Kumwenda
10. Dorothy Kambo
11. Kelvin Mambwe
12. Doreen Kapinga
13. Mary Banda
14. Janet Mwansa
15. Sydney Banda
16. Leslie Chola
17. David Ngoma
18. Peggy Kabwe
19. Nonde Kapwasha
20. Mwansa Kalikeka

PRIVATELY SPONSORED PERFORMING ARTISTS:

1. Benson Mofu
2. Bright Banda
3. Don Chipo
4. George Daka
5. Chris Aka
6. Moses Sakala
7. Potiano Kaiche
8. Grace Mumba
9. Alice Chali
10. Frazer Chilembo
11. Ben Banda
12. Dorezy Kabwe
13. Polotasio Kunda
14. Macleans Madise
15. Bester Mudenda
16. Annie Tembo
17. Monica Mwaba
18. Phenie Walubita
19. Oliver Zulu
20. Daisy Nawa
21. Dennis Kabo
22. Lydia Mengo
23. Audrey Mafuta
24. Catherine Shitambuli
25. Joseph Mulenga
26. Mainess Miyoba
27. Kingsley Mwanza
28. David Kalumba
29. Brian Chilala
30. Karen Namwanyi

RESPODENTS HOLDING PUBLIC OFFICES

1. Wesley Kaonga
2. Victor Makashi
3. Jacob Chirwa
4. Dickson Moyo
5. Martin Muyembe
6. Andrew Kapilima

INTERVIEW SCHEDULE FOR PERFORMING ARTISTS

RESEARCH TITLE: IMPACT OF THE 2003 NATIONAL CULTURAL POLICY ON THE PERFORMING ARTS INDUSTRY IN ZAMBIA.

1) What form of performing arts do you practice?
2) Which arts association do you bring to, if any?
3) Are you employed? If yes, in public or private domain? If not, why?
4) Are you aware of the national cultural policy? If yes, what are your views? If no, why?
5) If yes, how does it impact on your profession?
6) How would you describe the performing arts industry before and after the cultural policy.
7) Do you see any pros or cons of being in either publicly or privately supported categories?
8) Given a chance, which would be your preference of the two categories and Why?
9) Have you ever thought of unionizing the profession? If yes or no, why?
10) Does your association help with labour related matters? If yes, how effective? If no, why?
11) What are you views in general concerning the cultural policy's relevance to addressing your specific concerns?
12) In your views, do you think the cultural policy is adequately supported or line with other national policies?
13) If given a chance, would you like to change any thing in this regard? If yes, what? If no, why?

***** Any other useful information to this study may be added and will be appreciated

INTERVIEW SCHEDULE FOR THE NON-SPECIFIC SAMPLE GROUP

RESEARCH TITLE: IMPACT OF THE 2003 NATIONAL CULTURAL POLICY ON THE PERFORMING ARTS INDUSTRY IN ZAMBIA.

1) What are you views about the artistic and creativity industry in Zambia?
2) Do you buy or patronise artistic and creative works?
3) Do you think workers in the industry are fairly rewarded?
4) Would recommend your relative becoming an artist of any kind?
5) Do you regard artists, creative and cultural practitioners as workers?
6) Do you think arts and culture contribute to the country's economic development? If yes, how? If no, why?

***** Any other useful information to this study may be added and will be appreciated

INTERVIEW SCHEDULE FOR GOVERNMENT OFFICERS

RESEARCH TITLE: IMPACT OF THE 2003 NATIONAL CULTURAL POLICY ON THE PERFORMING ARTS INDUSTRY IN ZAMBIA.

1) How would you generally describe the 2003 National Cultural Policy?
2) Where would you place the policy?
    a. Championing arts and culture preservation
    b. Providing an enabling environment for the industry
    c. Providing promotional, funding, management etc. to the industry
3) Does the policy concern itself with the social securities of the arts practitioners?
4) How does the policy position itself in addressing the arts practitioners' working conditions?
5) Does the policy provide for social securities and working conditions of the arts Practitioners?
6) If the policy is not currently addressing these, how do you envisage the future Approach to this?
7) Do you think the current policy is dialogue with other relevant policies such as Economic, tourism and labour?
8) If so, where do these come in?

***** Any other useful information to this study may be added and will be appreciated

INFORMATION SHEET





Wits School of Arts

Private Bag 3, Wits, South Africa Fax +27 11 339-7601 Telephone +27 11 717 4654 Telegrams: 'Unigrams'

June, 2006

Dear colleague,

My name is Prince F.M. Lamba, currently studying for MA degree at the University of the Witwatersrand in South Africa. As partial fulfillment for the award of the degree, I am required to do a research project and report on it. The title of my proposed research is "**Impact of the 2003 National Cultural Policy on the Performing Arts Industry in Zambia with Specific Reference to Working Conditions"**. The purpose of the research is to study how the policy has particularly impacted on performing artists' working conditions and its efficacy in the broader policy environment.

The duration of research period is three weeks to be conducted during the month of December 2006. Primarily research will be carried out in Lusaka among publicly and privately supported performing artists. However, informant's participation is not required through out the entire research duration. Interviews will be scheduled at participant's convenient time and place to be agreed upon and will not last more than an hour. You are therefore being invited to participate in the research as an informant. Your participation in the study is entirely voluntary and refusal to do so will not have any adverse consequences on your part. Furthermore, should you agree to participate you will equally be free to decline to answer questions and may withdraw from the study at any time without penalties. Semi structured interviews will be used and recorded by a tape recorder and note taking as a means of collecting data.

Your employment in the civil service as a performing artist motivated your selection and also provides a suitable representation of the publicly supported performing artists. In this regard, I would also like to assure the protection of your identity and confidentiality in case of any undesired eventualities that may arise from your participation in the study. There is no funding for the project except my personal funds and the professional and academic support I am receiving from the University.

You may wish to contact my research supervisor on the following:

BRETT PYPER

Director, Postgraduate Programmes in:

* Heritage Studies

* Arts, Culture & Heritage Management

Wits School of Arts

Tel: (011) 717-4603

Email: pyperb@artworks.wits.ac.za

I look forward to working with you and thank you in anticipation.

Kind regards,

Prince F.M. Lamba

Postgraduate student, No. 0600500H

University of the Witwatersrand

South Africa.

APPENDIX 8: INFORMANT'S CONSENT FORM

RESEARCH TITLE: IMPACT OF THE 2003 NATIONAL CULTURAL POLICY ON THE PERFORMING ARTS INDUSTRY IN ZAMBIA WITH SPECIFIC REFERENCE TO WORKING CONDITIONS.

This is to confirm that the study will not involve the informant in any form of medical research or treatment but only humanistic and social research procedures. The informant's consent is therefore given only on this understanding.

The informant is free to withdraw from the study at any time without any adverse consequences on his/her part.

I……., a member of the ……

Hereby willingly give consent to take part in the above named research project and further allow being audio taped for the purposes of the research based on the above understanding.

I also give/do not give the researcher authority to disclose my identity as a source of the information therein.

PARTICIPANT'S SIGNATURE

DATE ---------- ----------

RESEARCHER'S SIGNATURE

DATE ---------- ----------

Telephone: 251535/38
Telegrams: DEFSEC
Telex: ZA 40543
Telefax: 260-1-254274

In reply please quote:

MOD/101/1/1C

No.....

REPUBLIC OF ZAMBIA

MINISTRY OF DEFENCE

P. O. BOX 50017
LUSAKA

August 14, 2006

The Chairperson
Human Research Ethics Committee
University of the Witwatersrand
Johannesburg
SOUTH AFRICA

RE: MR. PRINCE F. M. LAMBA STUDENT NO. 0600500 MA DEGREE ARTS, CULTURE & HERITAGE MANAGEMENT

This serves to confirm that the above named has been given authority to have access to Zambia National Service performing arts clubs to carry out a research on the theme **"Impact of the 2003 National Cultural Policy on Performing Arts Industry in Zambia."**

John F. T. Kamanga
Acting Permanent Secretary
MINISTRY OF DEFENCE

c.c. The Commandant
Zambia National Service
ZNS Headquarters
LUSAKA

NATIONAL ARTS COUNCIL OF ZAMBIA

" Putting Value on the Arts"

(All correspondence to be addressed to the Director)

9 August 2006

The Chair
Human Research Ethics Committee
University of the Witwatersrand
Johannesburg
SOUTH AFRICA

Dear Sir

RE: AUTHORISATION TO CONDUCT RESEARCH

Mr Prince F M Lamba, student number 0600500H, a post-graduate student at your university in the school of Arts, who is pursuing an M A Degree in Arts, Culture and Heritage Management has been granted authority to conduct his research on the subject:-

- **The Impact of the 2003 National Cultural Policy on the Performing Arts in Zambia with specific reference to working conditions.**

In this regard, he has access to all arts associations and individuals that he may wish to interview. It must be mentioned however, that participation in this study is entirely voluntary and dependent on the willingness of the informant.

Yours faithfully
NATIONAL ARTS COUNCIL OF ZAMBIA

Jacob Chirwa
ASSISTANT DIRECTOR – Performing and Literary Arts

Mulungushi International Conference Centre Annex
P.O. Box 50812
Lusaka

Tel: +260-01-294782
Email: nacz@zamtel.zm

Telephone: 223319 / 235341
Fax: 235342

In reply please quote:

No.....

REPUBLIC OF ZAMBIA

MINISTRY OF COMMUNITY DEVELOPMENT AND SOCIAL SERVICES

OFFICE OF THE PERMANENT SECRETARY
COMMUNITY HOUSE
SADZU ROAD
PRIVATE BAG W 252
LUSAKA

ZCSHQ/105/15/40

10th August, 2006

The Chairperson
Human Research Ethnic Committee
University of the Witwatersrand
Johannesburg
SOUTH AFRICA

RE: PERMISSION TO CONDUCT RESEARCH – MR PRINCE F. M. LAMBA

This is to confirm that Mr. Prince F. M. Lamba a Post Graduate Student in the School of Arts has been granted permission to conduct his research study among members of the National Dance Troupe as individuals or collectively.

It is further stated that the informants' participation is voluntary and refusal to take part will not attract any form of reprimand from the Department.

Yours faithfully,

Evaristo Makwaya
Director
DEPARTMENT OF CULTURAL SERVICES
For/Permanent Secretary
MINISTRY OF COMMUNITY DEVELOPMENT AND SOCIAL SERVICES