



MISA-Zimbabwe submissions on the need for the transformation of the Zimbabwe Broadcasting Corporation (ZBC) into an independent public broadcasting service

1 Introduction

Zimbabwe, being a member of such bodies as the United Nations (UN), the African Union (AU), and the Southern African Development Community (SADC), is party to such documents as the Universal Declaration of Human Rights, the Windhoek Declaration, the African Charter on Broadcasting and the SADC Protocol on Culture, Information and Sport. All these declarations require that signatory states respect basic human rights, especially freedom of expression, and in particular, they call for the creation of an enabling environment for media freedom, pluralism and diversity. Some of these declarations set minimum standards for the transformation of the state broadcasters into genuine public service broadcasters (PSBs) that are protected against political or commercial interference and whose programming serve the public interest.

This paper seeks to advance the Media Institute of Southern Africa-Zimbabwe's position on the need to transform the Zimbabwe Broadcasting Corporation (ZBC) into a truly public service broadcasting (PSB) entity. To achieve this, the paper starts by giving a background to MISA and its activities, mission and values, as well as the organisation's key programme areas. This is followed by defining the role of the media in society and a definition of the notion of PSB, as a way of providing some conceptual background. It is argued that PSB plays too crucial a role in the democratisation and development of a nation to be left to the whims of a Ministry which is only accountable to the Executive alone. The paper then outlines international laws and norms that deal with media freedom in general; and specifically those dealing with the need for the transformation of state broadcasters into genuine PSBs. After analysing the current state of affairs at the ZBC, the paper offers recommendations on how the Corporation can be successfully transformed, and an extensive example is drawn from the successful transformation of the South African Broadcasting Corporation (SABC). Recommendations on media law reform, governance, programming, funding, and guidelines on election reporting (among others) are given towards the end of the paper. The paper concludes by arguing that an untransformed ZBC is actually a threat to itself as it runs the risk of being obsolete.

2 Background to MISA

2.1 Brief history

MISA is a regional non-governmental organisation with national chapters in 11 SADC countries including Zimbabwe. Officially launched in September 1992, MISA focuses on the need to promote free, independent and pluralistic media (as envisaged in the 1991 Windhoek Declaration), as a principal means of nurturing democracy and human rights in Africa.

2.2 Mission

The mission of MISA is to play a leading role in creating an environment of media freedom and free expression that promotes independence, pluralism and diversity of views and opinions, media sustainability, competency and professionalism in the region. In dealing with these elements, MISA seeks to ensure that gender-specific needs form an integral part of all its activities. MISA aims to create an environment in which civil society is empowered to claim information and access to it as an inalienable right and in which the resultant freer information flow strengthens democracy by enabling more informed citizen participation.

2.3 Vision

Consequently, MISA's vision is of a Southern African region in which the media enjoys freedom of expression, independence from political, economic and commercial interests, pluralism of views and opinions. It is a vision of a region where members of society (individually or collectively), are free to express themselves through any media of their choice, without hindrance of any kind. A region, too, where access to information must be unhindered and where information is readily available.

2.4 Principles and Values

The mission and vision of MISA is based on the following principles and values:

- Respect for freedom of expression as defined in Article 19 of the Universal Declaration of Human Rights and Article 9 of the African Charter on Human and Peoples' Rights;
- Respect for media freedom, independence, diversity and pluralism as provided for in the Windhoek Declaration of 1991;
- Support for the separation of power as provided for in the SADC Information Communication Technologies (ICT) Declaration of 2001, with the government being responsible for a conducive national policy framework, independent regulators responsible for licensing, and a multiplicity of providers in a competitive environment responsible for providing services;
- Support for a three-tier system of broadcasting (with public, commercial and community media) as provided in the African Charter on Broadcasting of 2001;
- Media professionalism and the observance of high ethical standards in media products that seek to inform, empower, educate and entertain;
- Citizens' right to access to information in order to enhance transparency and citizen participation in government, judiciary and legislative issues.
- Participatory democracy, respect for human rights, equality, human dignity, freedom and non-discrimination; and,
- Gender equality in and through the media and society.

2.4.1 Broadcasting campaign

The focus of MISA's strategies in the broadcasting reform campaign have been on three levels: (1) the enactment of broadcasting legislation that allows for a three-tier system of broadcasting (with community, commercial and public broadcasting); (2) the setting up of independent regulatory authorities to oversee the running of the broadcasting industry in the SADC region; (3) and the transformation of state or national broadcasters into genuine PSBs. In particular, the third focus is informed by that fact that although the 1990s wave of liberalisation in the telecommunications sector in southern Africa has benefited mainly commercial broadcasters (and to a certain extent community broadcasters), these reforms have not benefited public service broadcasting.

Poverty and high levels of illiteracy, especially among the majority rural poor mean that most people in the region cannot rely on newspapers for information. This leaves broadcasting, in particular, public service broadcasting (especially radio), as the only accessible medium. Due to this central position that public broadcasting occupies in people's lives, most governments in the region (with the exception, perhaps, of South Africa) have maintained a tight grip over national television and radio (Ramadi, 2006). A major challenge, therefore, is the need to drive the transformation of these state broadcasters into genuine PSBs that are run transparently by independent boards of publicly-elected persons. It is MISA-Zimbabwe's belief that a PSB system detached from government, state or commercial influence is absolutely essential to the dissemination of impartial and diverse information.

3 The role of the media in society

The media have a big role to play in any society that claims to be a democracy. It is commonplace knowledge that for democracy to flourish, the members of a nation-state must have a working knowledge of their rights and how to exercise them. Because modern politics is highly mediated politics, it is arguable to say that the health of democracy in modern societies is directly linked to the health of the systems of communication – although, of course, democracy cannot be reduced to media issues alone (Dahlgren, 1995; Sibanda, 2006). In such a scenario, it becomes the primary duty of the media to inform and to educate the people about their rights (and responsibilities) and about the importance of practicing them. This means that through the media, the people must have access to the broadest possible information, advice, debate and analysis that will enable them to make informed choices on issues that affect their lives.

Further, the people must be able to use the media in order to register criticism and propose alternative courses of action in the manner in which they are governed. Finally, the people must be able to recognise themselves and their aspirations through the range of representation on offer in the media and must be able to contribute to the creation and development of these representations (Murdock, 1992; Rønning, 1994).

It is MISA-Zimbabwe's belief that only a free and independent media can be able to play these roles to the fullest. A free and independent media is crucial to the development of democracy in any country; this is as true in Zimbabwe as it is elsewhere. Without it, the free and open debate that is indispensable to the development of public policies cannot take place and the public's right to receive information on matters of public interest from a variety of sources cannot be fulfilled (Article 19, 2006). Public service broadcasters are often the best-placed media to play this role mainly because they are removed from the twin pressures of politics and economics,

and are free – at least in principle – to give as many people as possible a voice to express themselves and to chart the way forward in national development projects.

4 What is public service broadcasting (PSB)?

The common response to this question usually is: PSB is broadcasting that is designed for the public, financed by the public and is controlled by the public. This short response at once captures the essence of what is meant by public service broadcasting. For starters, the 'public' referred to here is the entire population of the country (or region), which the public broadcaster is responsible for serving. The phrase 'entire population' has a twin meaning: (1) firstly, in terms of technical coverage, it means that ideally every household in the service area should be in a position to receive the PSB service. This is akin to likening it to other essential services that a nation-state must make available for its citizens such as water, shelter and food; and, (2) secondly, it means all sections of society: rich and poor, old and young (and in between), educated and less well educated, minorities, and people with special interests (be they cultural, religious, scientific, sporting, social, economic or anything else) (Rumphorst, 2003).

PSB was popularised by the British Broadcasting Corporation (BBC), which was established in 1922, with Lord John Reith as founding Director. The idea of this form of broadcasting was of a medium that was not only free from government interference, but also a medium that did not solely rely on advertiser money to survive. Where commercial media viewed the people as consumers, this model of broadcasting viewed them as citizens (Keane, 1991). Further, the Rethian ideal differentiated itself from state or government broadcasting, i.e., broadcasting that, although funded by public money (or at least in part), is controlled by the state and represents state interests and the interests of the government of the day (Banda, 2006). Thus, Article 19 says that PSB is form of broadcasting under public ownership, which is publicly-funded (even if partly), and has as its goal to provide high quality programming that informs the public, provides entertainment and education, and serves all sections of society. Unlike commercial broadcasters, whose ultimate aim is to make money, the mandate of PSBs is to broadcast as a 'public service' (Article 19, 2006). Although details of the PSB remit vary from country to country (owing, perhaps, to differences in legislation, economic fortune, political will, as well as other social, technological and cultural realities), there are common features that are universally valid about the concept. A true PSB must:

- Be independent from any interests, notably political and economic;
- Be accessible to all citizens, i.e., it should be affordable and reach everybody within a country;
- Provide programming that caters for diverse tastes and interests and particular attention should be paid to the promotion of local content and local languages;
- Serve the public interest, i.e., open the channels of communication to the public
- Provide cultural and educational enrichment (Ramadi, 2006; Banda, 2006);

Specifically, PSB gives prominence to issues of **editorial independence** and **public accountability** — the two concepts that help in distinguishing it from a government/state or commercial broadcasting (Opoku-Mensah, 1998). Editorial independence can be distinguished on three levels: (1) it can refer to the right of the staff to make day-to-day decisions regarding editorial matters based on professional journalistic criteria such as the newsworthiness of an event, or its relevance to the public's right to know; (2) it can also refer to the institutional independence of the broadcaster from economic imperatives, which may influence it to cover

certain events negatively or positively in exchange for financial benefits; and, (3) the notion can also refer to the independence of the broadcaster's journalists (from their editors) to be free to cover those issues which they think are important and are in the public's right to know (once again applying the professional norms of journalism). This independence should ideally be guaranteed and protected by law (Article 19; Kupe, 2003).

Public accountability implies that because PSBs are normally tasked with serving the public interest rather than government, or individual self-interest, they are expected to account on a regular basis to the public on how they carry out their mandate (Mendel, 1998). There are several ways that a PSB can demonstrate its accountability to the public: (1) it can be through a public board of governors who, in principle, account to the public through representatives of parliament (a select parliament committee); (2) it can be through an ombudsman body such as the Broadcasting Complaints Commission of South Africa (BCCSA), which consists of a public board of representatives of both viewers and listeners; and, (3) it can be through the production of annual public reports of its activities, budgets and audited financial statements (Kupe, 2003).

4.1 The legal basis for public service broadcasting

The concept of PSB is supported by several international and continental laws and declarations, all of which view the right to accessing information via the media as a fundamental human right. On the international level, one can cite the Universal Declaration of Human Rights (UDHR), in which Article 19 explicitly states that "everyone has the right to freedom of opinion and expression: this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (1948)¹. There is also the International Covenant on Civil and Political Rights (ICCPR), a treaty ratified by over 156 states to date that seeks to impose legally binding obligations on all signatory states to a number of the human rights issues set out in the UDHR. Article 19 of the ICCPR also guarantees the right to freedom of expression (Banda, 2006).

On the continental level, Article 9 of the African Charter on Human and People's Rights (ACHPR) also guarantees freedom of expression. In addition, the Windhoek Declaration seeks to promote an independent and pluralistic African press. Perhaps the most relevant of the continental covenants to PSB is the offshoot of the Windhoek Declaration, the African Charter on Broadcasting (ACB). The Charter, which calls for a three-tier system of broadcasting that includes public service, commercial and community broadcasting can be used as a benchmark for PSB legislation in Africa. In Parts I and II, it says:

- All formal powers in the areas of broadcast and telecommunications regulation should be exercised by public authorities which are protected against interference, particularly of a political or economic nature, by, among other things, an appointments process for

¹ This is also in line with Section 20(1) of the Zimbabwean Constitution which states that: "Except with his [sic] own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his [sic] freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his [sic] correspondence." Although there is no explicit provision on freedom of the press in the Zimbabwean Constitution, this provision is held by many to extend to freedom of the press. The logic is that unless citizens have access to a free media that provides platforms for their expression, freedom of expression becomes meaningless (Mukundu, 2006).

members which is open, transparent, involves the participation of civil society, and is not controlled by any particular political party;

- All state and government controlled broadcasters should be transformed into PSBs, that are accountable to all strata of the people as represented by an independent Board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender;
- PSBs should, like broadcasting and telecommunications regulators, be governed by bodies which are protected against interference;
- The public service mandate of PSBs should be clearly defined;
- The editorial independence of PSBs should be legally guaranteed; and,
- PSBs should be adequately funded in a manner that protects them from arbitrary interference with their budgets.

The Declaration of Principles of Freedom of Expression in Africa, adopted by the African Commission on Human and People's Rights also highlights, *inter alia*, the need for transforming state or government broadcasters in the continent into authentic PSBs that are accountable to the public via parliament, rather than to the government or to the state (Article 19, 2006). Moreover, the Declaration states that state monopoly over broadcasting is not compatible with freedom of expression. Part VI of the Declaration buttresses some of the salient points raised by the African Charter on Broadcasting:

- PSBs in the continent should be governed by a Board which is protected against interference, particularly of a political or economic nature;
- The editorial independence of PSBs should be guaranteed;
- PSBs should be adequately funded in a manner that protects them from arbitrary interference with their budgets;
- PSBs should strive to ensure that their transmission system covers the whole territory of the country; and,
- The public service remit of PSBs should be clearly defined and include an obligation to ensure that the public receive adequate, politically balanced information, particularly during election periods.

On the regional level, Article 20 of the SADC Protocol on Culture, Information and Sport (2001) guarantees freedom of, and independence of, the media. In addition, the SADC Declaration on Information and Communication Technologies (ICTs) (2001), requires all SADC heads of state and government to commit themselves to creating favourable regulatory environments for the media in their countries, by accelerating the liberalisation of the telecommunications sector, as well as establishing a three-tier separation of power – with the government being responsible for creating a conducive national policy framework, independent regulators responsible for licensing, and a multiplicity of providers in a competitive telecommunications environment (Ramadi, 2006).

Although Zimbabwe is signatory to many of these declarations, the reality on the ground shows that the government continues not only to maintain a monopolistic grip on the broadcast media in addition to introducing pieces of legislation that ultimately seek to curtail media freedom and freedom of expression. For example, in recent years, the introduction of such laws as the Access to Information and Protection of Privacy Act (AIPPA) (2002), the Public Order Security Act (POSA) (2002), Interception of Communications Bill, and various amendments to the Constitution of the Republic of Zimbabwe, were seen by many as serious blows to any hope for

media freedom in the country². It is against that background that the government introduced the Broadcasting Services Act (BSA) (2001), an offending piece of legislation which not only goes against the grain of regional, continental and international norms of broadcasting regulation, but also against the Constitution of Zimbabwe as well. In fact, many have argued that the BSA, which ostensibly seeks to liberalise the broadcasting sector in the country, is the means through which the government maintains its monopoly on broadcasting through its unrealistic provisions and requirements. It is not surprising therefore, that since its enactment, not a single broadcaster has been granted permission to operate a broadcast media service in the country! This has left the ZBC as the sole provider of broadcast media services in Zimbabwe and the government has selfishly used the Corporation to project its own agenda, while ignoring the needs of the rest of the population. In fact, as the following sections will show, the ZBC has never been a public broadcaster in the truest sense of the word: it has always operated as a strange mix of state broadcasting that is run on commercial lines, although it is funded by the public.

5 The Zimbabwe Broadcasting Corporation (ZBC)

5.1 Background

Radio and television remain one of the most important ways in which citizens of any given country can communicate with each other or express themselves in as public a manner as is possible. In Zimbabwe, the broadcasting sector has not expanded in any significant manner since the country attained its independence in 1980 and has largely remained the preserve of the government (Mukundu, 2006). There has only been one state broadcaster (ZBC) that has dominated the airwaves with some private players (Joy TV and Munhumutapa Holdings) being allowed to use the second free to air broadcasting frequency for a brief period in the 1990's³:

Station/Channel	Type and target audience	Language of broadcast
Zimbabwe Television Services (ZTV)	Only 'national' television channel	English (and some programmes in local vernacular, mainly chiShona and some in isiNdebele)
Spot FM (formerly Radio 1)	Adult: mainstream (talk)	English
Radio Zimbabwe (formerly Radio 2)	Rural and urban working class: adult and youth (entertainment, educational)	Local vernacular (Mainly chiShona and isiNdebele)
Power FM (formerly Radio 3)	Youth: mainstream (entertainment)	English
National FM (formerly Radio 4)	Rural (educational)	chiShona and isiNdebele (and a bit of 'other' local vernacular)

² For example, just two days before AIPPA was enacted, the Parliamentary Legal Committee roundly criticised the AIPPA Bill as unconstitutional, with the Chairperson of the Committee, the late Dr Eddison Zvobgo, noting that the Bill was "the most calculated and determined assault on our [constitutional] liberties in the 20 years I have served as a Cabinet Minister... in that several provisions are obscure, vague, overbroad in scope, ill-conceived and dangerous". The PLC noted no less than 18 provisions in the original Bill which were in direct violation of the Constitution of Zimbabwe (see Parliamentary Debates, 28(46)).

³ These subsequently had their broadcasting 'licences' terminated allegedly after failure to pay outstanding fees to the ZBC and the recent passage into law of the BSA (2001) meant that the Corporation could not enter into private agreements to lease out its TV2 channel

The ZBC was established in 1980 by an act of parliament (the then Broadcasting Act (Chapter 12:01). In brief, the Act legislates for the direct control of the broadcaster by the government via the Minister of Information. For example Section 4 (1) of the Act states that the Minister has the power to hire or fire the ZBC Board of Governors, 'after consultation' or in accordance with any directions the President may give him [sic]. Under the same Section, the ZBC Board does not have the power to appoint, or remove the Director General that has been appointed by the President through the Minister. The Act also states that the Minister has the powers to rescind, redirect or nullify any policy decision that may have been made by the Board when he/she sees the need to. Clearly, such an Act is open to abuse, and it is not surprising that since independence, the ruling ZANU (PF) government has treated the ZBC as its party organ.

5.1.1 Television

The end result of vesting too much power in one person (the Minister of Information) is that ZTV has often been run like a private fiefdom, with the ruling party free to hire or fire key personnel at will. The end result is that the broadcaster's editorial independence has always been seriously compromised, with editors and journalists often afraid to cover stories that might ruffle government feathers. As a result, a newsroom culture of self-censorship has always been the norm at ZTV (Fredrikse, 1982; Saunders, 1999). This has seen the institutionalisation of what one veteran journalist, Willie Musarurwa, described as "sunshine journalism"⁴ - a culture in which journalists in the public media often seem to think that their duty is to broadcast only 'good things' about the government and the President. This has led to serious loss of credibility for the broadcaster, with many people resorting to watching the SABC, Botswana Television (BTV) and DSTV (MultiChoice) via satellite. An attempt at commercialising the broadcaster did not help either, as the decline in viewers continued unabated. In 2003, a bi-party Parliamentary Portfolio Committee on Transport and Communications noted, after carrying an audit into the operations of the Corporation, that advertising revenue at the ZBC had declined owing not only to the economic problems, but also to concerns about the ZBC's professionalism, especially its open support for the ruling party (Mukundu, 2006).

5.1.2 Radio

There has been no noticeable expansion in the radio sector, save for one station that was introduced after independence (Radio 4), bringing to four the number of stations in the country. In spite of this, radio still remains the main (if not sole) medium through which the majority of people in Zimbabwe receive information. As with television, the provision of radio services in Zimbabwe still remains the preserve of the government, despite recent half-hearted attempts at liberalising the sector. Radio has always been run directly by the state via the Ministry of Information. This direct political interference has had negative effects on the quality of programming by Zimbabwean radio. Topics that expose government malpractice are obviously no go areas and there are numerous allegations that some programmes have to be approved by the Minister of Information before they can be aired. In 1989, two radio journalists, N. Bara and R. Shava, were removed from their posts for airing an interview in which an opposition politician (Kempton Makamure) attacked the government for its reluctance to speed up the land re-distribution programme. In 1997, presenter Gerry Jackson's live talk show was pulled off-air after she allowed people to speak out against the strong arm tactics of the police during food

⁴ In the *Sunday Mail* of December 18 – 23, 1987, Musarurwa defined this phenomenon as 'the widespread reporting of the smallest movements and pronouncements of [ruling party] politicians.'

riots. In other instances, it is said that the government has ordered the ZBC not to cover some events and not to give airspace to those voices that differ with its views (Saunders, 1999). This practice has been particularly blatant during the election period, especially post-2000, where opposition parties and civic groups have been regularly denied air time to campaign, or carry out voter education programmes.

5.2 State broadcasting

Contrary to the principles (outlined above) of public service broadcasting, ZBC, as a state broadcaster⁵ is characterised by the following:

5.2.1 Editorial interference from government

The African Charter on Broadcasting clearly states that the editorial independence of PSBs should be guaranteed, adding that PSBs should avoid 'one-sided reporting and programming in regard to religion, political belief, culture, race and gender'. In South Africa, the inception of democracy in 1994 meant that the SABC had to change to serve the interests of the whole population and to adhere to the goals of the country's Constitution (Jjuuko, 2005). The South African Constitution calls for national development, unity, diversity, non-racialism, non-sexism, democracy and human dignity, and likewise, the SABC's editorial policies seek to bridge the political, class, racial, and gender divides in the country (SABC Editorial Policies, 2004). In addition, the SABC's editorial policies regard editorial independence as one of its core values, stating that: "The SABC is governed by the Charter, which enshrines the journalistic, creative, and programming independence of the staff of the [SABC], and the constitutionally protected freedom of expression" (*ibid.*).

However, there are no laws securing the editorial independence of the ZBC in Zimbabwe. This lacuna has been exploited by the state to maximum effect, with the end result being that the broadcaster is literally run from the Ministry of Information and Publicity. There are allegations of direct political interference which has resulted in news blackouts and stoppage of programmes which are deemed unsuitable by the state. It is well-known that the 1997 food riots in Harare's townships as well as the strike action by civil servants in the following year were not covered by the ZBC on strict instructions from government to black them out (MMPZ, 1999; Saunders, 1999). This lack of editorial independence at the ZBC has reached levels that, at times, the Minister of Information does not even have to instruct the banning of certain programmes, with the journalists resorting to self-censorship and 'sunshine journalism' out of fear of offending the 'Big Bosses'.

5.2.2 Government mouthpiece

What passes as radio and television news in most state broadcasters are activities of the President, his/her ministers, government officials and the ruling party. Information from opposition parties, civic society or other stakeholders is often ignored and blacked out. The situation is no different in Zimbabwe, where the ZBC remains primarily a propaganda tool of the ruling party. Although ZTV has endeavoured to increase the coverage of non-political issues through programmes targeting farmers, children, women and the disabled, most of these

⁵ The most common feature of state broadcasting, as opposed to public broadcasting, is that the 'public broadcaster' is often run directly from the Ministry of Information, with boards answerable to governments (or in worst cases, to the Executive) and not to the public.

programmes are really public relations exercises, as they are created to project an image of a government that is doing a lot to improve people's livelihoods (Mukundu, 2006).

5.2.3 Recruitment of staff

Staffing at the ZBC, including the appointment of the ZBC's Board and CEO, is left at the sole discretion of the incumbent Minister of Information. This often means that key personnel at the ZBC have always been political appointees, who are expected to toe the government line. Journalists are sometimes removed from their positions or shifted in politically-motivated reshuffles. Often, when there is a cabinet reshuffle and a new Minister of Information is appointed, one almost always expects a change of management at the broadcaster as well.

5.2.4 Exclusion of minority languages

Most languages are not catered for both in Zimbabwe's radio and television services (although radio tries to some extent to broadcast in as many Zimbabwean languages as possible). This often means that almost all the programmes in the broadcast media in Zimbabwe are always in English, chiShona or isiNdebele, ignoring many other languages spoken in the country like TshiVenda, Kalanga, Tonga, seSotho and Shangaan.

5.2.5 Local content

It is generally agreed that PSB programming should not only cater for diverse tastes and interests, but should also pay particular attention to the provision of local content and the promotion of local artistic productions (Article 19, 2006). In the period before 2001, ZBC relied heavily on foreign content (often outdated), which was to soon change with the promulgation of the BSA which stipulated that all broadcast media content should now be at least 75% local. The ZBC has, however, failed dismally to fulfil this requirement for a number of reasons, including a lack of financial resources (Mukundu, 2006; MMPZ 2000). Further, most of the so-called local content is one-sided government propaganda and low grade stand-up comedies like 'Street Theatre' and poor imitations of Hollywood-style soap opera genres.

5.2.6 Limited access

A central idea in the concept of PSB is that of "universal access", i.e. the availability of the service to all citizens – particularly the rural poor – within a country. Due to a combination of factors – poor planning, mismanagement, technical incapacity, etc., many people (especially in outlying areas like Victoria Falls, Plumtree, Beitbridge, parts of Nyanga and Kariba) still have no reception of the ZBC's signal (especially ZTV), despite the fact that part of their taxes pay for the service. In addition, while ZBC claims to be a national broadcaster, its programming and news coverage is also hardly national in terms of content – with most news programmes focusing on what happens in the urban areas, particularly in Harare.

5.2.7 Elections coverage favours the ruling party

Although at one point ZTV had a semblance of an 'Elections Guideline' to ensure a fair and equitable coverage of the contesting parties during the 2000 and 2002 Parliamentary and Presidential elections, the ruling ZANU (PF) has always exploited its control of the public media to broadcast only its campaign messages and the campaign trails of its candidates. The fact

that there is no local legislation⁶ that seeks to ensure that all contesting candidates and parties get an equal share of coverage during elections means that almost all election messages on ZTV and on all the four radio stations are pro-ZANU (PF). A report by the Media Monitoring Project (Zimbabwe) (MMPZ) on media coverage of the 2000 Parliamentary elections concluded that 99% of state media coverage was devoted to, and in support of, the ruling party; and that there was a high prevalence of 'hate speech' in the public media targeting the opposition and civic groups (MMPZ 2000). Similarly in 2002, the MMPZ concluded that the media coverage of the 2002 Presidential Elections was characterised by gross abuse of the public media for the benefit of the ruling party and a failure by the ZBC to present balanced information on the contesting candidates (Mukundu, 2006)⁷. In 2004, a MISA fact-finding mission noted that:

The state media hardly makes mention of any activities carried out by the opposition, and when it does, it is invariably in derogatory terms, projecting opposition leaders and their supporters as 'unpatriotic', 'sell outs', and 'subversive elements' seeking to overthrow the Government and instigators of violence. Sometimes, jingles are used to propagate such hate messages (MISA 2004).

The tenure of Professor Jonathan Moyo as the Minister for Information is probably the darkest period in the history of the ZBC. Moyo is accused of not only interfering in the programming and editorial independence of the ZBC, but is reputed to have habitually used the broadcaster as his personal property, often taking the slightest chance to vilify anyone who crossed his path. The list of his 'enemies' included people from within and outside ZANU (PF), as well as members of civic society, the opposition, trade unionists, journalists (both in the public and private media), and media advocacy groups such as the MMPZ and MISA.

5.2.8 Lack of credibility

Due to a combination of the above factors, the ZBC is perceived as a government mouthpiece and lacks credibility among ordinary Zimbabweans. In fact, more and more Zimbabweans prefer, instead, to watch foreign television broadcasts via satellite. This lack of credibility means that the viability of the ZBC is under threat, especially if viewers start to refuse to pay licence fees for a service that they do not watch. In the meantime, the ZBC has tried to re-position itself in the market by going commercial.

5.3 Commercialisation

In February 2002, the ZBC was re-branded to the Zimbabwe Broadcasting Holdings (ZBH) by an Act of parliament, the ZBC (Commercialisation) Act [Chapter 12:01] (2001). With the commercialisation, ZBC was split into two entities, one of which was a broadcasting company (ZBH) and the other was a signal carrier company (Transmedia). ZBH was further divided into nine companies with ZTV, the four radio stations and Newsnet, On-Air Systems, Channel C, and National Television being separate business units under one holding company (Mukundu, 2006). Each of the units is headed by a CEO. However, in June 2006, the government dissolved and re-merged into two the nine companies that were created from the unbundling of the ZBC into Zimbabwe Television Services and Radio Services, run by one chief executive officer and two managing directors – each for Zimbabwe Television Services (ZTV) and Radio

⁶ For example, the Electoral Reform Act of 2004 neglects to guarantee media access for all political players or the right of the media to report freely on the electoral process (Mukundu, 2006).

⁷ This coverage was also lopsided gender-wise; where MISA found that ZTV's coverage of the women candidates was couched in patriarchal terms and was in favour of the male candidates (Tapfumaneyi, 2005).

Services. The 'new' entity reverted to its original name, the ZBC. The re-bundling was meant, according to the then Minister of Information, Tichaona Jokonya, to revamp the broadcaster into a leaner and more viable entity. These moves had huge implications on ZBC as a public service broadcaster (even if in name only). This section investigates the implications of the commercialisation vis-à-vis the ZBC's public service remit.

5.3.1 The Zimbabwe Broadcasting Corporation (Commercialisation) Act

To begin with, the justifications for the formation of the two companies as stated in the preamble of the Commercialisation Act are not convincing. The preamble says the 'commercialisation of the ZBC will give it the much needed business flexibility to meet the challenges of a competitive business environment'. This is altogether not true because ZBC has always operated on commercial lines, often generating most of its income through advertising than through licence fees as is the norm with model PSBs like the BBC. Further, it is really not necessary to commercialise the whole entity in order to enable a PSB to be commercially viable. For example, South Africa and the United Kingdom both have viable PSBs that operate on a mixed model of funding, where one or two of its channels or radio stations are run on a commercial basis, but the majority are run as PSB entities.

Sections 3 and 4 of the Commercialisation Act state that the newly-formed companies (which will be now legally owned by the government) shall, 'In the performance of their functions... *give priority to serving the needs of the state*, to the extent that it is compatible with sound business practice to do so' (emphasis added). This curious provision at once strikes all hope one ever had for the transformation of the ZBC into a true PSB entity. This goes against the grain of the African Charter on Broadcasting, which urges for the transformation of all state broadcasters into genuine PSBs (see Section 4.1). The fact that the "needs of the state" are not clearly defined in this Act or in the BSA means that the ZBC is now even more vulnerable to open manipulation and abuse by the powers-that-be.

The Act states that the majority shareholder in the ZBC's successor companies 'shall be persons nominated by the Minister, after consultation with the President and in accordance with any directions that the President may give him [*sic*] and shall hold their shares on behalf of the state'. There is no public nomination system on who will hold the shares on behalf of the state: this duty is left to the sole discretion of the Minister of Information and the Executive. Further, Section 8(1) makes it clear the ZBH will be, by law, run from the office of the President, through the Ministry of Information: 'the Minister may give the Board of the Corporation directions in writing in order to ensure the proper transfer of such of the assets and liabilities [of ZBC] as are necessary for the operation of the successor companies and *the Board shall, without delay, comply with every such direction*' (emphasis added). This is clearly against international PSB governance standards, which state that boards running public broadcasters must be allowed to run the entities without any political interference.

Sub-section 5(6) of the Act contradicts section 67 of AIPPA as it states that: 'Any licence, permit or authority held by the [ZBC] under any enactment immediately before the relevant transfer date shall continue in force on and after that date as if it had been issued or granted to the signal carrier company or the broadcasting company, as the case may be, to which it was transferred' Section 67 of AIPPA (Notification of changes) clearly states that: 'A mass media service shall be required to notify the [Media and Information Commission (MIC)] of any changes if: (a) the owner is replaced; (b) the co-owners change; (c) the name, language, form and frequency of the periodical dissemination of mass media products is altered; (d) the area

where the mass media products are circulated is changed; (e) the editorial office changes its place of location and form. Failure to disclose any of these changes can lead to the revocation of the mass media service's licence under section 71(1) (a) of AIPPA⁸. The Commercialisation Act simply renders this section of AIPPA irrelevant – at least in relation with the ZBH. This, read together with section 9 of the Act (Successor companies deemed to be licenced) means that the ZBH, even though it is now a competitor in the industry, is still protected by the law and is given an unfair advantage over any competitor.

Sections 38 of the Act provide for the licensing of listeners by the ZBH in the manner which was practised by the old ZBC. Fees paid in connection with such licences are to be paid directly to the ZBH and will form part of the funds of the company (sub-sections (a) and (b)). This contradicts the very reason for the commercialisation as they legislate that the ZBC is still going to receive public funding (in the form of obligatory licence fees), although now it will be private state property. In addition, this provision means that the ZBH's competitors are placed at a disadvantage as the broadcaster is given access to considerable funding which they will never access.

Secondly, members of the public are compelled to fund the operations of a broadcaster whose services they may never access, and whose running is beyond their control, since the Act is silent on whether with public funding there will be a public service responsibility for the ZBH or not (MISA, 2005). In sub-sections 38 (c) and (d), provision is made for inspections by the company's inspectors for proof of payment of licence fees. The sub-sections give police officers (or appointed inspectors) too much power to superintend the collection of the licence fees, as they have the right to enter into people's private homes or business premises to request for proof of payment of licence fees.

Again, this goes against the grain of standard practice where in many countries the collection of funds, the licensing of listeners and even the allocation of these funds is the responsibility of some independent body or authority which is accountable to the listening and viewing public. This is the case of countries like South Africa, Australia, Canada and the United Kingdom (MISA-Zimbabwe 2005).

6 Towards transforming the ZBC into a true public service broadcaster

It is MISA-Zimbabwe's position that freedom of expression and access to information should be at the cornerstone of broadcasting in Zimbabwe, in accordance with the afore-mentioned international covenants, as well as in line with Section 20 (1) of Zimbabwe's Constitution, which provides for the protection of the freedom to receive and impart information. Taking into account the role that the media – and in particular, the public service broadcasting media – can and do play in national development and democratisation, it is our considered view that for Zimbabwe to emerge as an economic force and a model country in the continent, the country must transform its national broadcaster, the ZBC, from its current curious mix of state- and commercial broadcasting into a genuine PSB.

⁸ For example, in 2004, *The Tribune* newspaper was closed for allegedly breaching this section, after Kindness Paradza, representing Africa Tribune Newspapers (Pvt) Ltd ATN, acquired the newspaper from U.K.I. and afterwards renamed it from *The Business Tribune* to simply *The Tribune*. The court found that a non-disclosure referred to in section 67 of AIPPA can found a suspension or cancellation of a mass media service's registration certificate and duly announced that the newspaper had to be closed by law.

We further, submit that in order to achieve total transformation, an environment that is legally conducive to media freedom must be created, after which specific checks and balances are put in place for the running of the national broadcaster. This means that there should be legal provisions enshrined in the Corporation's charter or constitution, guaranteeing it of editorial independence, as well as ensuring that it is accountable to the public. The overall goal of the new legislation should not only be to fulfil the right to freedom of expression of the media, but more importantly, to ensure that all Zimbabweans have the right to participate freely, fully and creatively in the management and operations of their public media.

Specifically, and in compliance with international standards and norms, the public service responsibility of a transformed ZBC should be clearly set out in law, and the reformed public broadcaster must strive for the following minimum requirements:

- To provide top quality, independent programming that contributes to a plurality of opinions and an informed public;
- To provide comprehensive news and current affairs programming, which is impartial, accurate and balanced;
- To provide a wide range of broadcast material that strikes a balance between programming of wide appeal and specialised programmes that serve the needs of minority audiences;
- To be universally accessible and serve all the people and regions of the country;
- To provide educational programmes and programmes directed towards children; and,
- To promote local programme production, through minimum quotas for original productions and material produced by independent producers (Article 19, 2002; 2006; Ramadi, 2006).

Guidance for the transformation can be obtained from some of the following declarations (some of which the country is signatory to):

1. The SADC Protocol on Culture, Information and Sport;
2. The SADC Declaration on Information and Communication Technologies;
3. The African Charter on Broadcasting; and,
4. The Declaration of Principles on Freedom of Expression in Africa.

These declarations can be viewed as benchmarks for broadcasting reform in the country, and in particular, with regard to the transformation from state to public service broadcasting. The following section focuses on the specific recommendations that MISA-Zimbabwe submits for the total reform of the national broadcaster. These recommendations draw from international law and practice, but will start with an extensive example taken from the experience of a country that has successfully transformed from state- to public service broadcasting – South Africa.

6.1 The South African example

The need to transform the SABC was part of the desire to have a non-partisan public broadcaster before the country embarked on its first democratic elections in 1994. This transformation was to change the SABC's erstwhile mode of accountability from a state broadcaster to one that accounts to the public (Tleane and Duncan, 2003). The transformation process was kick-started by the passing of the Independent Broadcasting Authority (IBA) Act in 1993, which called for the regulation of broadcasting in the public interest so that the provision

of a diverse range of sound and television broadcast services on national, regional and local levels would be promoted (Horwitz, 2001). The IBA Act also established an independent regulatory body (the Independent Broadcasting Authority - IBA) to ensure the development of a three-tier system of broadcasting, with public service, commercial and community broadcasting. The independence of the IBA was secured in the country's constitution, often a critical element in the pre-conditions for independent and accountable PSBs (Jjuuko, 2005).

SABC's first independent board was selected in 1993 after a lengthy public nomination and selection process, which was preceded by public awareness campaigns on the need for transforming the former state organ. The new SABC Board was immediately tasked with the responsibility of ensuring that the SABC becomes a non-partisan, all-inclusive broadcaster that provides programmes in all the (now) 11 official languages in its radio and television services (Jjuuko, 2005). Running parallel to the board selection process was the setting of the Triple Inquiry, which was headed by the IBA. The Inquiry was to look at, among other things, the funding and viability of PSB in South Africa, cross- and foreign media ownership and the protection of local content. Like the reforms implemented in the sector so far, the Inquiry involved extensive public consultations, with the IBA calling all stakeholders to provide input into the process. In all, a total of 130 written submissions were received and over 180 hours were spent on oral submissions alone⁹.

Because of the SABC's long history of political manipulation, a major recommendation of the Triple Inquiry was that the SABC be constitutionally guaranteed of its editorial independence. Other proposals from the Inquiry that were far-reaching included advice to revamp the SABC into two arms, a public service arm on the one hand, and a commercial broadcasting service on the other. The revamping was intended to enable the SABC to carry out its public service mandate to the full, while at the same time ensuring its commercial viability. This process involved the selling off of some of the broadcaster's many media outlets throughout the country to private players, a move which provided the 'seed' for the growth of the broadcast industry in the country (Horwitz, 2001). Currently, the SABC has 19 radio stations nationwide broadcasting in all the country's official languages¹⁰. Television services include SABC 1 and 2 (the PSB arm), the commercial channel SABC 3, and a pay TV channel, SABC Africa.

The country's Broadcasting Act (as amended) of 2002 clearly stipulates (in Chapter IV) the public service mandate of the transformed broadcaster as being to:

- Make services available to South Africans in all the official languages;
- Reflect both the unity and diverse cultural and multilingual nature of South Africa and all of its cultures, realities and regions to audiences;
- Provide significant news and public affairs programming which meets the highest standards of journalism, as well as fair and unbiased coverage, impartiality, balanced and independence from government, commercial and other interests;
- Include significant amounts of educational programming, both curriculum-based and informal educative topics from a wide range of social, political and economic issues, including, but not limited to, human rights, health, early childhood development, agriculture, culture, justice and commerce and contributing to a shared South Africa consciousness and identity;

⁹ For full list of submissions, please visit www/icasa.org.za/Default.aspx?page=1271&moduledata=577

¹⁰ Some of the radio stations, as with the television channels, are run on PSB lines (for example Ukhozi FM, Umhlobo Wenene, SAFM, and Ligwalagwala FM), while the others are run on commercial lines (for example, Metro FM, 5FM and Jacaranda FM)

- Enrich the cultural heritage of South Africa by providing support for traditional and contemporary artistic expression;
- Strive to offer a broad range of services targeting, particularly, children, women, the youth and the disabled;
- Include programmes made by the corporation (SABC) as well as those commissioned from the independent sector; and,
- Include national sports programming as well as developmental and minority sports (Jjuuko, 2005)

Further, and in line with the country's constitution, the SABC regards the following as part of its core editorial values:

- **Equality:** The SABC provides programmes for everyone, in all the official languages, and promotes universal access to its services;
- **Nation Building:** The Corporation celebrates South Africa's national identity and culture, and provides its citizens with the information they need to participate in building a democratic South Africa;
- **Diversity:** The SABC reflects South Africa's diverse languages, cultures, provinces and people in its programmes;
- **Human Dignity:** The public service broadcaster respects the inherent dignity of all South Africans, reflects them in all their diversity, and does not use languages or images that conveys stereotypical or prejudiced notions of South Africa's races, cultures and sexes;
- **Transparency:** The SABC ensures that the principles of honesty, openness and transparency govern every aspect of its relationships with shareholders, stakeholders, suppliers and the public
- **Editorial Independence:** The SABC is governed by the Charter, which enshrines the journalistic, creative, and programming independence of the staff of the corporation, and the constitutionally protected freedom of expression; and,
- **Accountability:** In discharging their editorial responsibilities, the SABC management and staff are accountable to the board, which is charged with ensuring that the corporation complies with the Charter (Jjuuko, 2005).

Drawing from the above example, the following are some of the key recommendations that we as MISA-Zimbabwe put forward with regards to the transformation of the ZBC into a truly public service broadcasting entity.

6.2 Key recommendations

In 2003, a Parliamentary Portfolio Committee on Transport and Communications conducted an inquiry into the (then) ZBH to determine the extent to which it fulfilled its mandate as a public broadcaster. The Committee concluded that the ZBH was going through a confusing period characterised by poor funding, lack of equipment and expertise, as well as gross government interference in its day-to-day affairs. Thus, the Committee recommended that:

1. The ZBH should serve the whole nation regardless of political, religious, tribal, economic and professional affiliation;
2. The autonomy of the ZBH Board and senior management must be guaranteed ... and if it is really desirable to retain the current powers of the Minister of Information, those

- powers must be limited to appointing persons from candidates short listed by a select committee of parliament;
3. The ZBH must give a voice to the minorities both in radio and television; and,
 4. The ZBH, as a public broadcaster, must be open and accountable media with guaranteed independence¹¹.

Although none of these noble recommendations have been implemented, this paper draws most of its recommendations therefrom.

6.2.1 Media law reform

The legal framework in which the ZBC operates is not only inimical to press freedom, but is also contrary to the concept of public service broadcasting. The government, through the Ministry of Information, is directly responsible for the state-of-affairs at the ZBC, yet the broadcaster survives on public funds, in the form of listener's licences and government grants. Thus, for the ZBC to become a true public broadcaster, there is need to repeal both the Broadcasting Act and the ZBC (Commercialisation) Act. A subsequent Act should be framed to ensure that the Board of governors of the ZBC is not directly appointed by the government but through a public nomination and selection process as is the case in South Africa. The new Act should demand that measures be taken to expand the public broadcaster into communities that are currently not receiving its frequencies; to promote local languages and artistic talent; and also to cover elections fairly and equitably between the contesting parties and candidates. Further, ZBC programming must seek balance, not only in terms of diversity of views, but also of sources and voices, as well as of sexes. The ZBC must be made accountable to a parliamentary committee where it must present the annual reports of its activities, budgets and programming schedules. This would promote openness on the part of the ZBC and trust on the part of the listener/viewer, thereby leading to the former re-gaining its credibility.

6.2.2 Regulation

Broadcasting in the country should be run by an independent regulator (established by an Act of parliament), whose key staff and board members are not only chosen in a democratic and transparent manner (involving civil society and the public at large), but are also fairly representative of all sectors of the Zimbabwean society. The regulator's board must be independent and this independence must be protected by law, in compliance with international and regional covenants on broadcast media regulation.

There is also an urgent need for one (independent) regulator in the country. Currently, there are three different regulators in Zimbabwe – the Post and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ), which essentially allocates frequencies for every medium of electronic communication; the Broadcasting Authority of Zimbabwe (BAZ) whose role is to allocate licences to potential broadcasters; and the Media and Information Commission (MIC), which was set up under AIPPA to provide for the licensing of media houses and media workers. The current situation in Zimbabwe is not only inefficient but is also confusing to media practitioners and members of the public alike as to who is in charge of regulating broadcasting

¹¹ Second Report: Portfolio Committee on Transport and Communications on Zimbabwe Broadcasting Holdings (ZBH) (2003).

in Zimbabwe. In this era of convergence¹², where television can transmit data and radio signals, and the internet can combine television, radio, data, and telephony (mobile and fixed) services, it is imperative to have one regulator overseeing the sector. Convergence demands that this cross-sectional regulator should not only police the industry as a whole, but also at the same time should seek ways of ensuring diversity, competition and viability, especially for PSB. This is the norm elsewhere, for example in 2000, South Africa's IBA was merged with the telecommunications regulator, the South African Telecommunications Regulatory Authority (SATRA) to form the Independent Communications Authority of South Africa (ICASA), which now oversees both telecommunications (including mobile telephony and internet) and broadcasting in the country (Berger 2004; Jjuuko, 2005).

In setting up the regulator, the following must be kept in mind:

1. The regulator shall be composed of a fixed number of eminent persons (maximum 12), coming as far as possible from different groups in the country;
2. The members shall be elected by Parliament, with a three-quarters majority, following a public nomination and hearing with potential nominees;
3. Each member is appointed for a fixed period of time. While re-appointment of a member of the regulator at the end of his/her term of office is possible, all shall have security of tenure. However, if for whatever reason a member is incapable of performing his/her duties, or if s/he has not attended board meetings for a period exceeding six months, the member in question shall be revoked and be replaced by another person who shall finish the revoked member's remaining term of office;
4. Members of the regulator may not belong to, or work for the national government or any media house, or be members of parliament;
5. The regulator shall elect its own Chair and shall set its own rules of procedure;
6. Except where otherwise provided herein, the regulator shall take decisions on the basis of the majority of the votes of members present. Where voting is equal, the vote of the Chairperson shall be decisive.
7. The regulator must seek to ensure, among other things, that the public service programming remit of the ZBC as defined by law is actually fulfilled. To this end, it may demand emphasis on overall quality of programming. It may declare, stating its reasons in writing, that certain broadcasts violate programming principles laid down by law, and may instruct the Director General of the broadcaster (after hearing his/her position), to discontinue such violation or to ensure that no further violation occurs. However, the regulator may not review individual programmes prior to their broadcast (Rumphorst, 2003).

6.2.3 Governance

In terms of governance, the ZBC should be governed by a Board of Directors appointed by parliament (or a lower house of parliament), after nominations by civil society and professional organisations, in a process that is transparent and involves the participation of the public. There should be a specific guarantee of the independence of members of this Board and their tenure must be protected by law, although narrow grounds for dismissal may be provided for. Further, individuals with strong political connections or with vested interests in broadcasting are prohibited from being appointed to this Board. The Board should appoint, by a two-thirds

¹² The 1990s explosion of technologies has led to a process called 'convergence'. Described as the 'coming together' of previously separate entities, convergence means that previously distinct services such as broadcasting, telephony and computers, are currently in a state of union (Berger, 2004).

majority vote, the Director General of the ZBC, and must set its own rules of procedure (Article 19, 2005). In order to ensure the Board's independence, the following is recommended:

1. The Board shall be composed of a fixed number of eminent persons (maximum 7), who must be experts in matters of administration and finance and may not, in the exercise of their function, represent their own interests or those of third parties;
2. The Board shall supervise the business affairs of the ZBC, both internal and external, with the exception of matters relating to programming (which are left to the Director General and his/her staff);
3. The Board members must not belong to or work for the government or any other media house, or be members of parliament;
4. The Board shall elect its own Chairperson and set up its own Rules of Procedure;
5. The Board shall take decisions with the majority of the members present. Where voting is equal, the vote of the Chairperson shall be decisive;
6. It will also verify, on the basis of transparent accounts, and ensure, that public funds are used exclusively for the fulfilment of the public service remit, rather than for subsidising commercial activities, which may be carried out outside that remit;
7. The Board shall not interfere with the day-to-day management of the ZBC or with the editorial independence of the Director General and his/her staff, although it does have responsibility for ensuring that, the overall editorial policy of the Corporation respects its PSB remit as laid down by law (Rumphorst, 2003).

6.2.4 The Director General (DG)/Chief Executive Officer

To be able to fulfil its public service responsibility in a highly competitive environment, the ZBC needs modern, dynamic management structures, with one 'captain' in command of the entire ship. This 'captain' must have ultimate responsibility for both programming and management issues. He/she must be supported by a strong management team, with clearly-defined tasks and fields of competence, which he/she has chosen him/herself (subject to approval by the Board). The power of quick decision-making should be vested on him/her, especially concerning the acquisition of exclusive rights to vital programming such as national sporting events (Rumphorst, 2003).

The appointment of the Director General (DG)/CEO should be as open as possible, with advertisements in the newspapers for the job. Interviews can be conducted by the Board of the ZBC, or a select multi-party parliamentary committee. The following rules should be laid down during the appointment process:

1. The DG/CEO shall have final responsibility for programming and shall ensure that programmes are consistent with the PSB remit of the ZBC as laid down by law;
2. The DG shall manage the ZBC independently and shall be responsible for all its operations and activities;
3. He/she shall appoint two Managing Directors — one each for Zimbabwe Television Services (ZTV) and Radio Services;
4. He/she shall be appointed for a five-year term. Re-appointment is possible. As long as no successor has been appointed after the expiration of his/her term, the DG/CEO shall continue in office if he/she is prepared to do so; otherwise, his/her functions shall be taken over by the Deputy;
5. He/she may not be dismissed unless at least eight members of the ZBC Board decide to replace him/her by another person on whom they have agreed. In such a

case, that other person shall finish the dismissed DG's/CEO's remaining term of office, after which the position is re-advertised as being vacant (Rumphorst, 2003).

6.2.5 Ownership and funding

The issue of ownership and funding is always a contentious one. One of the reasons governments feel that they have to exercise control over national broadcasters is that they feel they fund them, forgetting that that 'funding' actually comes from the general public through their taxes (Ramadi, 2006). Banda (2006) notes the several possible funding mechanisms in Africa and looks at their dis/advantages:

1. **Licence fee funding** (for example the SABC) – given the nominal fee charged and the small number of people in formal employment, the problems associated with licence fee funding is that the fees collected are rarely ever enough to sustain a national broadcaster;
2. **State budget allocation** (all state broadcasters in Africa) – this obviously raises the question of autonomy from the political influences associated with government/state funding;
3. **A mixed formula**, that draws on commercial revenues and public funds (for example, the Zambia National Broadcasting Corporation (ZNBC), and the Malawi Broadcasting Corporation (MBC)) – the over-reliance on commercial advertising by most PSBs has riled their commercial counterparts who feel that PSBs should not compete for the advertising cake; and,
4. **Sales of non-core services** (e.g. music recordings, concerts sales: SABC) – amounts thus raised are obviously insufficient to finance a national broadcaster.

MISA-Zimbabwe's recommendation for the ZBC is for a **mixed formula** of funding, which incorporates both licence fee funding, as well as having the Corporation running a few channels (one or two) as commercial broadcasters. This funding model can also be complemented through the sale of non-core services such as musical shows, recording studio for local artistes, sponsorship, and minimum advertising, etc. We believe that funding should never be allowed to be used as a means of control. Thus if funding is provided directly by government, then effective measures should be put in place to ensure that government cannot exert any influence over the editorial independence and institutional autonomy of the Corporation (Article 19, 2006). The South African example has shown that state ownership of a broadcasting organisation does not necessarily translate into the control of the broadcaster.

Licence fee funding has several advantages over, say, budget allocation from government. For one, licence fee funding means that the broadcaster is independent of the political goodwill of those who decide the amount of the state budget allocation. Secondly, licence fee income is considerably more predictable than an annual allocation from the state budget: and this is vital for medium- and long-term strategic planning and investment. Thirdly, another advantage with licence fee funding is that a psychological link is established between the licence fee payer, the citizen, and the PSB as the recipient of the payment – the citizen knows what he/she is paying for and appreciates its value, and the broadcaster is continually aware of whom the programming is made for, and who ultimately has to be satisfied (Rumphorst, 2003).

In the contemporary environment, which is characterised by stiff competition in the broadcasting sector, it is not enough any more to say that a PSB organisation should inform, educate and entertain. To survive on the market, PSBs now need to introduce some

commercial strategies. For example, although the principal forms of funding for the BBC are through television licence fees, which account for 77% of its revenue, the Corporation also has a commercial arm (that includes the BBC World Service), which rakes in about 15% of its total income (Wikipedia, 2007). The mixed funding model that the ZBC can also adopt can lead to the commercialisation of some of its channels (for example Power FM) while the rest, ZTV, Spot FM, National FM and Radio Zimbabwe are run on a PSB basis.

6.2.6 Editorial independence

The editorial independence of the ZBC should be guaranteed by law, as with the SABC, which has an Editorial Charter spelling out the broadcaster's independence from interference of a political or economic nature. This is in line with international norms and minimum standards for PSBs (see, in particular, the SADC Protocol on Culture, Information and Sport; the African Charter on Broadcasting; and the Declaration of Principles on Freedom of Expression in Africa). As a public broadcaster, the ZBC must play its watchdog role by reporting on abuses in all sectors of society. This can only be possible if the broadcaster is guaranteed of its editorial independence by law.

6.2.7 Ethical standards and Editorial Code

The ZBC must have an Editorial Code which must be informed by purely professional journalistic norms such as objectivity, impartiality, newsworthiness, fairness and balance. The Corporation must not present one-sided views, and must afford newsmakers and members of the public a right of reply, possibly through an ombudsman body such as the Broadcasting Complaints Commission of South Africa (BCCSA). Further, the Code must state that hate speech and other statements meant to demean others or to incite violence will not be allowed. The Code, which will govern the Corporation's broadcasting practices and programme content, must be developed in consultation with interested stakeholders and the general public. It must address, *inter alia*, the following issues:

1. Accuracy, balance and fairness;
2. Privacy, harassment and subterfuge;
3. Protection of children and scheduling;
4. Portrayal of sexual conduct and violence, and the use of strong language;
5. Treatment of victims and those in grief;
6. Portrayal of criminal or anti-social behaviour;
7. Advertising;
8. Financial issues such as payment for information and conflict of interest;
9. Discrimination; and
10. Leaked material and the protection of sources (Article 19, 2005).

6.2.8 Programming

The programming on ZBC must include a variety of programmes ranging from entertainment, education and information. The programming on ZBC must be guided by a set of principles which clearly state issues such as quotas on local content, local languages and the portrayal of the diversity of the country – every Zimbabwean must be able to identify themselves and their aspirations on the programmes they see on TV or hear on radio. Coupled with application of new technologies, the programming should be:

[V]aried and comprehensive, providing a balance of information, enlightenment and entertainment... be drawn from local, regional, national and international sources... [it should] provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern and include a significant contribution from the [local] independent production sector (Canadian Broadcasting Act, (1991).

6.2.9 Access

It is imperative that the ZBC should strive to implement the principle of universal access, which means that all areas in the country must be in a technical position to receive the broadcaster's television and radio signals. Recently, there have been efforts at digitising the broadcaster after the government received funding from the Iranian and Chinese governments, however, this process has been seriously hampered due to, among other things, the fact that the ZBC cannot pay for some of the equipment and is incapacitated by the lack of skilled staff (Mukundu, 2006).

6.2.10 Election coverage and political reporting

The basic principle of election coverage or political reporting is that all contesting parties and candidates must be given equal opportunities to spell out their programmes and to woo the electorate. In line with this principle, we recommend that in the coverage of plebiscites, the ZBC must give reasonable and equal opportunities to all political parties contesting the elections. In order to ensure this, there must be some clearly laid-out rules of engagement when it comes to election coverage. This can be achieved by having a law dealing with the *modus operandi* of public broadcaster when it comes to election reportage. While seeking to ensure overall fairness and equality of chances, this law must clarify such issues as:

1. The first and last day of campaign programming;
2. The number of party political broadcasts per party per day, (for TV and radio);
3. The duration of party political broadcasts;
4. Payment (or otherwise) in return for the broadcasting of party political broadcasts;
5. The maximum amount/percentage which any party or candidate may be attributed within the overall amount of time devoted to party political broadcasts; and,
6. The times of day when such output for individual parties or candidates have to be broadcast (to avoid any discrimination); (Rumphorst, 2003).

Within the region, the SADC Principles and Guidelines Governing Democratic Elections adopted by all SADC heads of state and government in Grand Baie, Mauritius seek to: "safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes" in the region¹³. These guidelines were also adopted (in 2005) by the Southern African Broadcasting Association (SABA), made up largely of state/public broadcasters, including ZBC. The guidelines can be used by the ZBC as a benchmark for broadcasting during election times (SABA 2006; Banda, 2006).

6.2.11 Credibility

The continued stranglehold by the government on the ZBC has resulted in lack of trust in the broadcaster by the general public, especially its news programmes which are seen as public

¹³ http://www.iss.co.za/Af/RegOrg/unity_to_union/pdfs/sadc/elecprinciples.pdf

relations and propaganda broadcasts for the ruling party. This has also put off advertisers and potential sponsors (Mukundu, 2006). This credibility can be re-gained if the government institutes changes that would make the Corporation a genuine public broadcaster with clear accountability and management structures. Another way of re-gaining credibility with the public will be for the ZBC Board to publish and distribute, as widely as possible, an Annual Report of the Corporation's activities, audited accounts, as well as programming schedules. Each Report should include the following:

1. A summary of the Corporation's externally audited accounts, along with an overview of income and expenditure for the previous year;
2. Information on any company or enterprise that is wholly or partly owned, whether directly or indirectly, by ZBC;
3. The budget for the following year,
4. The objectives of ZBC for the previous year, the extent to which they have been met and its objectives for the upcoming year;
5. The editorial policy of ZBC; and,
6. Information on complaints by viewers (Article 19, 2005).

7 Conclusion

Public service broadcasting has a crucial role to play in enhancing democracy and development. The reality is that untransformed state media do not serve the information, cultural and entertainment needs of the public. As is almost the case with the ZBC, an untransformed broadcaster runs the risk of becoming obsolete as audiences simply tune out and sponsors flee *en masse*. In order to survive in this era of information-glut, the ZBC must transform from its current curious mix of state-, public and commercial broadcasting. Zimbabwe is bound by international, continental and regional laws, as well as by its own Constitution (Section 20(1)) to honour basic human rights issues, especially the right to freedom of expression via the media. Untransformed state broadcasters such as the ZBC are, by nature, inimical to freedom of expression. For this reason, the country must transform the ZBC into a genuine PSB, and this must begin with the enactment of enabling broadcasting legislation. Being a 'late comer', Zimbabwe can use regional, as well as international best practices of the process of transforming state broadcasters into genuine public service broadcasters. In order for the ZBC to achieve total transformation and re-gain its credibility among Zimbabweans, we as MISA-Zimbabwe have recommended (among other things) that the road to transformation must address such issues as media law reform, the independent regulation of the industry, the open governance of the national broadcaster, editorial independence, the editorial code of the broadcaster, as well as guidelines on the coverage of such important events as plebiscites.

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