

we do not see the likes of Mugabe again. The new AU must also set new minimum standards of conduct and operation for ruling and opposition parties, many of which are too undemocratic, corrupt and tribally based to be able to lead the continent in a new era of quality democracy and prudent economic management.

In fact, the restructuring must go further. There is also a need to establish real, effective pan-African institutions, such as a continent-wide Supreme Court and a Constitutional Court. These should be independent and have jurisdiction over prescribed areas in member states, so that when tyrants like Mugabe emerge, they can no longer depend on the acquiescence or support of fellow rogues.

Obviously these are very radical suggestions and many people will reject them as unfeasibly far-fetched. But Africa urgently needs an 'inclusive and forward-looking' democratic and economic development project, which goes beyond the lacklustre and superficial ones that have been pursued up to now. Political and economic development integration on a continental level, if done seriously, could well be the project that finally lifts Africa out of its long stagnation.

But the African integration project must be genuinely democratic, giving ordinary citizens a real say in the decisions that will ultimately impact on their lives. The debate on the future of the continent cannot be limited to leaders or the elite - as is the case currently. Post-independence Pan Africanism failed to build a sense of ownership among African citizens of African integration projects because they were always top-down, leadership focused, exclusive and non-participative rather than bottom-up, citizen driven, inclusive and participative. The current efforts of the AU and the other regional institutions are in danger of failing for the same reason. Beyond the cosy discussions among the leaders and the elites, there is still no genuine, participative Africa-wide debate about the future of the continent.

Continental and regional institutions must now urgently be reformed, to close Africa's gaping democracy gap, to raise the continent onto the next level of democratic building and consolidation, and to ensure enduring stability and equitable growth. ○

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Academic article

So near, yet so far:

The tragedy of media reforms since the GPA

Rashweat Mukundu & Nhlanhla Ngwenya

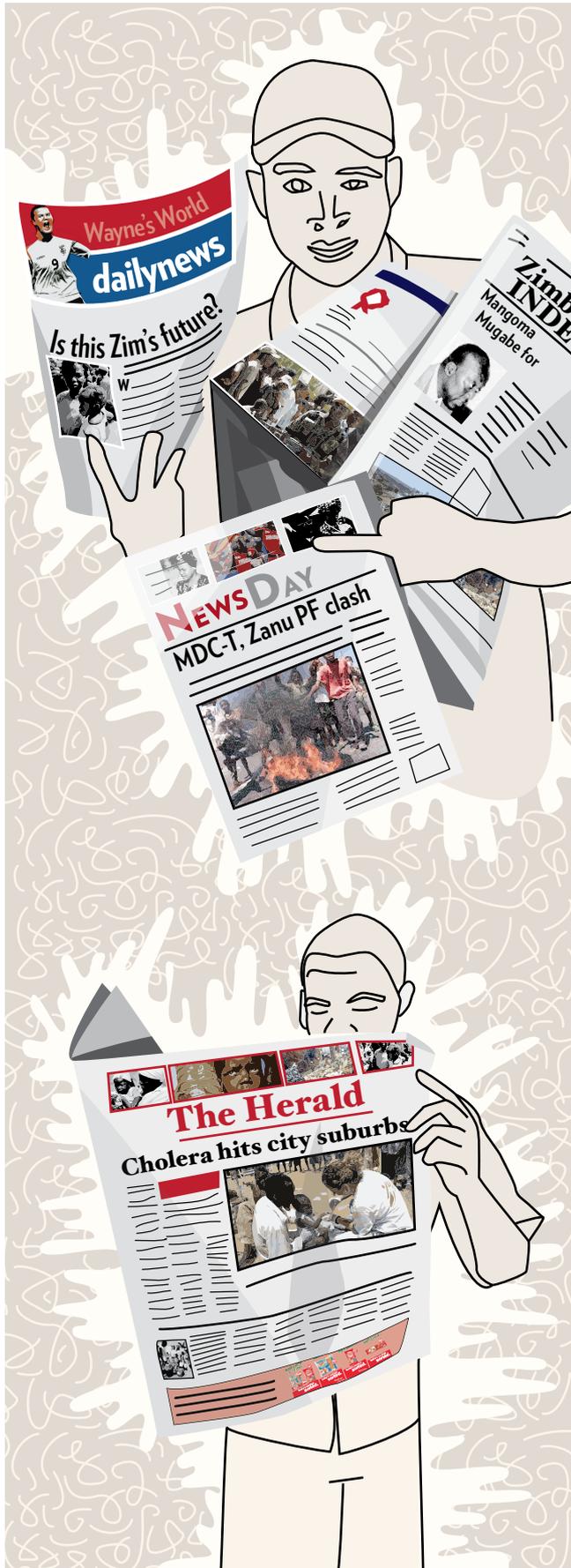
Zimbabwe has been under a cloud for much of the 21st century starting in the year 2000, when President Robert Mugabe and the Zimbabwean African National Union Patriotic Front (ZANU-PF) lost a constitutional referendum to the new opposition Movement for Democratic Change (MDC) and civil society. The resultant attempt by ZANU-PF to regain political control led to years of chaos during which opposition supporters were killed, commercial farms were invaded and the economy was ruined.



Rashweat Mukundu is a Zimbabwean Journalist, Media, Freedom of Expression and Human Rights Activist. He currently works with civil society in Zimbabwe and SADC region on media and human rights programmes.



Nhlanhla Ngwenya is the Director of the Media Institute of Southern Africa-Zimbabwe Chapter (MISA-Zimbabwe). He is a media and freedom of expression activist with huge experience in media monitoring and analysis.



Zimbabwe's independent media, which had been steadily growing, faced its first real test of survival as it was bundled together with the opposition and labelled 'enemies of the state' by the government. Repressive laws were enacted, journalists were arrested, and newspapers were bombed, raided and de-licensed. The state-owned media also fell victim to the political machinations of ZANU-PF as it was turned into a propaganda mouthpiece of the ruling party, and independent minded journalists were summarily dismissed. The media in Zimbabwe, which had previously been divided along ownership lines, was for the first time divided along political lines and this manifested itself in the way that issues were covered.

The signing of the Global Political Agreement (GPA) in 2008 was viewed as heralding a new era and offering a lifeline to the independent media, which was on the ropes, since the parties committed themselves to promote the freedom of expression and a diverse media sector. But more than two years down the line, questions are being asked about whether the GPA and the Inclusive Government (IG) have achieved any of their key goals. This paper aims to show what progress has been made in relation to the media reform agenda, highlight the challenges and obstacles blocking further reforms and outline what the future holds for Zimbabwe's media.

THE MEDIA IN ZIMBABWE

Zimbabwe has a small media industry dominated by the state media and a few privately owned organisations. At independence in 1980, Zimbabwe inherited a monopolistic media industry, with the government in control of not only the sole broadcasting station but also the biggest newspaper publishing company. Soon after independence, efforts were made by the ZANU-PF government to transfer control of the newspaper publishing company, Zimpapers, into the hands of Zimbabweans and entrust its operations to the newly established Mass Media Trust (MMT) to insulate it from government interference (Saunders 1999:15). But this unique experiment was soon undone. Over the years, the government systematically weakened the MMT and compromised its autonomy by not providing it with adequate political protection, and sufficient financial and skilled human resources, as well as by failing to appoint individuals to the Trust who represented specific social interests and organisations (Saunders 1999:17). With the MMT weakened, the government through the Ministry of Information began to assume direct control over the newspaper stable, dictating its editorial policy and directly influencing the appointment of editorial teams. Its influence became more apparent as ZANU-PF's popularity waned and a groundswell of dissent and discontent culminated in the formation of a strong, labour-backed, political party, the Movement for Democratic Change (MDC) in 1999. Rather than

allow the media to report truthfully on the Zimbabwean story, Zimpapers and indeed the Zimbabwe Broadcasting Corporation (ZBC), were turned into tools to consolidate ZANU-PF's political authority, while disparaging its opponents as poodles of western imperialism, who were bereft of any ideology, national outlook and policy prescriptions to tackle Zimbabwe's problems. In essence, these media were hijacked by the ZANU-PF government to promote its policies, leaving the private media to watch over the government, expose corruption and highlight human rights violations (Chakaodza, 2003:15).

The growth of private newspapers in Zimbabwe in the 1990s, especially the establishment of the Zimbabwe Mirror, Zimbabwe Independent, Standard and Daily News, changed the face of Zimbabwe's media landscape. The state media now faced direct competition from private weekly newspapers as well as the independent Daily News, which soon eclipsed the state-owned Herald as the leading daily and indeed most influential newspaper. The Daily News reached a peak circulation of more than 100,000 copies in 2002 (MISA, 2006:100) – double that of the Herald. Critically, the growth of the private media meant that the opposition and civil society could now reach significant sectors of the population with their messages, resulting in the ruling elite losing its hegemonic hold on the dissemination of information and reducing its control of political discussions in Zimbabwe.

News coverage in Zimbabwe became characterised by a clear divide between the state-owned and private media. The private press, by its own admission, took the decision to criticise and expose bad governance and human rights violations in Zimbabwe. For this reason, the Zimbabwean government saw the private media as 'enemies' who had a political agenda. The coverage of the opposition and civil society granted by the privately-owned media also attracted fierce criticism from the government and ruling elite – and precipitated a broad and often brutal crackdown.

ZIMBABWE'S MEDIA POLICIES: A MINEFIELD FOR JOURNALISTS AND MEDIA

Although Zimbabwe has a relatively liberal constitution, many laws that suppress political and civil liberties, including media freedom, have been enacted since 2000 (Hondora, 2002:13). What is more, many repressive laws inherited from the colonial government are still in place. This has led to further polarisation in society, with certain sections calling for the repeal of these laws, arguing that they are being used to suppress opposition groups and civil society movements (Hondora, 2002:18). Media laws, such as the Access to Information and Protection of Privacy Act (AIPPA) and the Broadcasting Services Act (BSA) among others,

restrict the operations of journalists and media organisations (Hondora, 2002:56) as well as severely curtailing the ability of Zimbabweans to exercise and enjoy their fundamental civil liberties (MISA 2010:1). These laws require journalists and media houses to be registered by a government-appointed body and also impose stringent restrictions on the practice of journalism, media activity and diversity. The violations of these laws attract stiff penalties, including heavy fines, imprisonment or both.

The AIPPA-enforced closure of the Daily News and the Daily News on Sunday in 2003, the Tribune in 2004 and the Weekly Times in 2005 highlighted the severity of the country's media laws and exposed the underlying rationale behind their enactment. The closure of the Daily News was felt particularly strongly as it had become the leading alternative daily newspaper in Zimbabwe, countering the daily propaganda churned out by the ZANU-PF controlled media. As such, the paper experienced acerbic attacks by ZANU-PF officials, who characterised it as yet another facet of western machinations to oust the party and its leader President Robert Mugabe by helping to prop up the MDC. But along with verbal attacks, the Daily News was subjected to a host of other assaults in an attempt to silence it, including the bombing of the paper's offices and printing press, the arrest of its journalists and death threats made against its senior staffers. In all, the Daily News was bombed three times (MISA: 2004), illustrating the lengths the ruling elite was prepared to go to shut out critical media voices.

The few private papers that survived the onslaught found themselves under constant attack from the state, with the Financial Gazette, the Standard and the Zimbabwe Independent receiving letters of caution, reprimands for stories and death threats against its editorial staff.

But the broadcasting sector remained the worst affected. Despite a Supreme Court ruling that quashed ZBC's broadcasting monopoly in 2000, no new private broadcasters have been licensed. The only time the authorities made an effort to license private broadcasters was in 2004 when the then Broadcasting Authority of Zimbabwe (BAZ) called for applications. At least four aspiring broadcasters applied but none of them were granted a licence. However, it was always going to be difficult for the aspirants to be licensed given the stringent requirements imposed by the broadcasting law, which they were meant to fulfil before their applications could be approved.

As a way of circumventing the obnoxious provisions of the law, Zimbabweans sought alternative means to broadcast their stories, including setting up stations in foreign countries that could beam their content

back into Zimbabwe on short wave and medium wave. Three main stations were established and continue to provide Zimbabweans with alternative voices on their radios – namely, Studio 7 based in Washington, SW Radio Africa broadcasting from London and Radio VOP beaming from the Netherlands.

Realising the growing popularity of these initiatives, the government swooped on the locally-based Zimbabwean directors of Radio VOP in 2005 accusing them of violating the country's laws by broadcasting without a licence – charges which were dropped for lack of evidence. Earlier in 2002, the station's offices were bombed by unknown assailants. As is the case with the Daily News bombings, the culprits have yet to be apprehended, let alone brought to justice.

In addition, the authorities intermittently jammed both Radio VOP and SW Radio Africa to try and frustrate them into silence. But the policies did not stop the broadcasts and the exile stations – or 'pirate' stations according to ZANU-PF – remain key players, providing alternative sources of information over the airwaves. However, despite their increasing popularity, the stations are hamstrung by the limited amount of time they are on air. They can only afford to broadcast for one or two hours a day, which is not enough to adequately counter the propaganda churned out by ZBC, which broadcasts 24 hours a day, seven days a week. (OSISA 2009:43)

THE GPA'S MEDIA REFORM AGENDA

Under Article 19 of the transitional pact, the parties to the GPA recognised the importance of freedom of expression and the critical role of the media in a democracy. While acknowledging the sad state of the country's press, the parties then expressed their desire to democratise broadcasting and ensure media diversity. To achieve this, they agreed that:

a. the government shall ensure the immediate processing by the appropriate authorities of all applications for re-registration and registration in terms of both the Broadcasting Services Act as well as the Access to Information and Protection of Privacy Act;

b. all Zimbabwean nationals including those currently working for or running external radio stations shall be encouraged to make applications for broadcasting licences in Zimbabwe, in terms of the law;

c. in recognition of the open media environment anticipated by this Agreement, the Parties hereby:

i. call upon the governments that are hosting and/or funding external radio stations broadcasting into

Zimbabwe to cease such hosting and funding; and

ii. encourage the Zimbabweans running or working for external radio stations broadcasting into Zimbabwe to return to Zimbabwe;

d. steps be taken to ensure that the public media provides balanced and fair coverage to all political parties for their legitimate political activities; and,

e. the public and private media shall refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or that unfairly undermines political parties and other organisations. To this end, the inclusive government shall ensure that appropriate measures are taken to achieve this objective.

However, very little progress has been made since the agreement was signed, except for the licensing of new papers, which has improved media diversity. But most of the key goals have been either ignored or used as political bargaining chips by the ZANU-PF component of government to extract more concessions from the MDC. Even the licensing of newspapers did not come about without some political compromises by the parties and a concerted push by civil society. For example, after the parties agreed to replace the Media and Information Commission with a new constitutional body, the Zimbabwe Media Commission (ZMC), to license newspapers and regulate media activity, it still took about six months for the coalition government to set it up – and only after some behind-the-scenes horse-trading between the parties over who would sit on the ZMC, disregarding many of those shortlisted by a parliamentary committee tasked with interviewing and nominating suitable candidates. The negotiations took place after ZANU-PF complained about the failure of its preferred candidates to make the parliamentary list and following calls from the party's senior official on the parliamentary committee, Patrick Chinamasa, to "negotiate (over its shortlist) on the basis of the political realities..." given that "...we are...political animals with political biases." (The Herald: 5/8/2009).

This development exposed for the first time the extent to which the pledged media reforms would be pawns in the power games being played out within the coalition government. This would be highlighted time and time again – from the parties' squabbles over the ZMC's failure to immediately license newspapers after its official establishment in February 2010 to their bickering over the constitution of the Broadcasting Authority of Zimbabwe to their battles over the (non) liberalisation of the airwaves. For example, when Prime Minister Morgan Tsvangirai met the ZMC in

early 2010 to encourage it to urgently license new players, the ZANU-PF-run Ministry of Information cried foul, alleging that the premier was seeking to interfere with the operations of the body. Ironically, the same ministry had earlier met with members of the commission but did not view this as interference.

In May 2010, the ZMC appeared to restore waning public confidence in its role as a transitional vehicle for media reform by licensing four newspapers – the Daily News, NewsDay, the Daily Gazette and the Mail. A newspaper for labour, the Worker, was also granted permission to alter its operating license so that it could change from a monthly to a weekly publication. Two months later, the commission added even more players by approving applications from two news agencies, Cable News Agency and African Open Media Initiative, and two magazines, ZimCeleb and Sport 24.

But while the printed media has expanded, there is no guarantee that the new publications will be able to sustain themselves as economic uncertainties remain a threat to their operations. Indeed, of the four newly licensed papers, only NewsDay and the Daily News were actually on the streets as this journal went to print. The rest appear to be victims of the country's economic woes, high costs and widespread poverty, which have made running a media organisation in Zimbabwe a very risky proposition.

Furthermore, legal and extra-legal hindrances continue to make life very difficult for the private, print media because the laws that caused the decimation of the media in the first place still exist.

As was with the case before the formation of the Inclusive Government (IG), the coalition has yet to facilitate the licensing of any new broadcasters, betraying a lack of political will within some arms of government to liberalise the airwaves and enhance access to information for the vast majority of the population who get their news from radio and TV.

The conduct of officials from the Ministry of Information clearly exposes the ongoing resistance to comprehensive media reforms. While the IG's three leaders have acknowledged the irregularity of the current Broadcasting Authority of Zimbabwe (BAZ), which was unilaterally appointed by the ministry in September 2009, and pledged to reconstitute the board, the ministry has continued to behave otherwise. For example, in October 2010, the minister lent legitimacy to the disputed BAZ when he officially opened its strategic planning meeting and called on it to license new stations.

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However, there are other obstacles. ZANU-PF continues to tie all reforms, including broadcasting, to its demands for the lifting of Western ‘sanctions’ on its leadership and for the closure of the exile stations, which it describes as ‘pirate’ entities in a bid to delegitimize and criminalise their existence. Meanwhile, the information secretary revealed in December 2010 that there could not be any new broadcasting stations in the immediate future since the country did not have the capacity to regulate and monitor their operations.

But even if these hurdles were overcome and the parties were to agree on the reconstitution of BAZ, there is no guarantee that any applications from potential broadcasters will be approved because they will be subjected to the same stringent and arbitrary licensing mechanisms of the past. Neither is there a chance that they would be able to operate without undue restrictions so long as the Broadcasting Services Act (BSA) continues to exist in its current form.

The lack of expansion in the broadcasting sector has entrenched the dominance of ZBC, which continues to air partisan news events and other material that seeks to glorify ZANU-PF while denigrating its partners in government. Apart from official rhetoric promising to transform the broadcaster, there has been no demonstrable effort by the coalition to reprimand ZBC in line with the parties’ pledges in the GPA to restore professionalism in the public media and to take appropriate measures against any media that uses

'abusive language that may incite hostility, political intolerance and ethnic hatred or that unfairly undermines political parties and other organisations'.

In fact, ZBC continues to be used by ZANU-PF as a podium to launch offensive and abusive attacks on those arms of government and civil society organisations that are perceived to be allies of the MDC. The punctuation of its programming every quarter of an hour with pro-ZANU-PF and anti-MDC songs is a case in point. But it is far from the only example. Beginning in July 2010, ZBC began regularly airing propaganda music from the ZANU-PF-aligned female ensemble, the Mbare Chimurenga Choir, and the youth group, the Born Free Crew. Songs by the Mbare Chimurenga Choir sort to assert President Mugabe's executive authority as well as that of his party as unchallenged in the coalition government thereby denigrating the MDC as a junior partner. While they may have highlighted some of the defects of the GPA, the intention was seemingly not to stimulate debate but simply to deride the MDC and dismiss its criticism of the unilateral actions of President Mugabe and ZANU-PF as baseless and unwarranted. And this was just weeks before the 2010 SADC Heads of State summit in Windhoek, where the agenda included a review of the implementation of the GPA.

Meanwhile, the Born Free Crew projected President Mugabe as a champion of democracy, who the youth could only admire and look up to as their role model. These songs were played across all ZBC radio and TV stations. And to lend credibility to the patently pro-ZANU-PF messages contained in the music, the songs spent weeks high on ZBC's music charts.

But it is not only through music that the state media demonstrated its partisanship. According to the Media Monitoring Project Zimbabwe's Transitional Barometer for December 2010, ZANU-PF was given considerably more space on the state media's news coverage than its partners in the coalition. Out of the 445 news reports on the business of parties in government in the print and electronic state media, 334 or 61 percent were on ZANU-PF, while MDC-T was covered 171 times and MDC-M 40 times. ZANU-PF voices were used 361 times out of a total of 476 coalition voices – or 76 percent of the time. MDC-T voices were only quoted 75 times and MDC-M on just 40 occasions. The trend was similar in January 2011, further exposing the extent to which the state media had been turned into a public relations vehicle for ZANU-PF.

Without urgent reforms that would promote the proliferation of a diverse media, the repeal of repressive media laws and the transformation of ZBC into

a truly independent public broadcaster in line with various regional instruments on freedom of expression and media freedom, it would be impossible to expect fair and holistic coverage of the Zimbabwean story as the country gears up for the impending constitutional referendum and national elections. In fact, the citizenry is most likely to be subjected to coverage and interpretation of news events that is entirely one-sided – either the state media spouting the views and propaganda of ZANU-PF or the private media seeking solely to criticise ZANU-PF's excesses and its chicanery in subverting democratic processes.

However, it must be said that the private media houses are not without fault. Apart from sometimes carrying sensational headlines that seek to depict ZANU-PF as a party without any legitimate support and its leadership as supine prisoners of the securocrats, they rarely critique the MDC formations. But despite this, they do remain largely within the realms of professional journalism by adhering to basic tenets of the trade and by clearly separating opinion from news and propaganda from reality.

The Zimbabwean media has an uncertain future. In hindsight, it was overly optimistic of Zimbabwean journalists and freedom of expression advocates and the international community to expect ZANU-PF to embrace media reforms in toto – even the limited and vague reforms included in the GPA. But it must be understood that ZANU-PF was on borrowed time when the GPA was signed and the IG inaugurated. ZANU-PF urgently needed a relief valve to ease the pressure, especially as the economy remained in the doldrums and the junior ranks of the military were increasingly showing signs of agitation particularly alarming for ZANU-PF, which survives with the support of the security sector. ZANU-PF therefore entered the IG with one goal in mind – to use the coalition government to stabilise the economy and buy time to plan and launch the next project that would keep it in power. As a political entity, ZANU-PF has never believed in a free media and its management of the state media is testimony enough as to how the party views the role of the media in Zimbabwe.

But the biggest disappointment has not been ZANU-PF since its thinking has long been clear, but the two MDC factions in the coalition. Instead of pushing for greater media freedom, the MDCs settled for equity in political coverage as well as a convoluted media reform agenda that lacked an appreciation of the fundamental principles of media freedom and freedom of expression. The push by the MDC for a reformed statutory media regulatory body, piecemeal reforms of the broadcasting regulatory bodies, and the enact-

ment of a Media Practitioners Act did not help the media or the cause of free expression. Instead, these reforms consolidated ZANU-PF's hold on the media albeit under the cover of demands made by MDC.

The proposed Media Practitioners Act, which is expected to replace AIPPA, will bring back statutory regulation of the media as well as the compulsory registration of media organisations. The Zimbabwe Media Commission that replaced the Media and Information Commission is still dominated by ZANU-PF members and apologists and, apart from registering a few newspapers, the ZMC remains inaccessible and its agenda as murky as that of the MIC. The ZMC can be used any time to cause havoc in the media as was the case with the MIC. Meanwhile, the BAZ has not licensed any new TV or radio stations and the harassment of journalists and private media houses continues. For example, unidentified raiders stole 11 computer hard drives from NewsDay in April after it ran a story about the army chief, General Constantine Chiwenga. The reporter involved was also detained by army officials and questioned about her sources.

The MDC parties failed to appreciate the importance of media freedoms and focused instead on trying (and failing) to secure equitable coverage of their political activities and leaders. Like ZANU-PF,

they became obsessed with grabbing power and not pushing for freedom. And they are now paying the price. While ZBC gave the MDC parties some coverage at the start of the coalition, this has all but disappeared now that the state media is firmly under the grip of ZANU-PF once again. If only the MDCs had pushed for real media freedom from the start.

To their credit, Zimbabwean media and freedom of expression activists have stuck to their guns and continued to push for broader reforms despite the lack of progress and political will. They have continued to campaign for voluntary media regulation, independent broadcasting and telecoms regulation, transformation of the ZBC into a public broadcaster and the repeal of repressive laws. Civil society must maintain the pressure and help to give voice to citizens' demands for greater media freedom. Civil society and others must also support alternative community-owned media and use new technologies to help in the fight.

In the absence of a seismic political change that will usher in comprehensive media reforms, Zimbabwe's media faces a difficult future. There has not been nearly as much progress as people hoped. But some small steps have been taken. However, there is still a long road ahead. All those campaigning for real media freedom in Zimbabwe must gird their loins for a marathon. ○

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