

Second reading: Access to Information and Protection of Privacy Amendment Bill.

Parliament of Zimbabwe

October 19, 2004

THE MINISTER OF STATE INFORMATION AND PUBLICITY IN THE PRESIDENT'S OFFICE:

The Amendment before the House seeks to amend the AIPPA. The Bill has three purposes. The first is to allow nominations by the media sector to membership of the Media and Information Commission to come either from an association of journalists or media house or both.

Secondly, it seeks to allow for a penalty provision that was omitted from section forty by error and therefore the purpose there is simply to remedy an omission. Thirdly, the Bill seeks to allow for the setting up of an independent disciplinary committee to deal with matters relating to suspension of commissioners in a manner that protects their independence. As such, this is a really straightforward bill.

Unfortunately, despite this unassailable reality and background of this Act, we know that the Act has been a target of political demonisation and subjected to outright falsehoods, misrepresentations and distortions by Tony Blair's weapons of illegal, unconstitutional and undemocratic regime change.

For this reason, it is very difficult for a party without a history or seniors to understand this type of background. Everyone is a mafikizolo. Therefore, it is a good thing that Hon. members know the truth that they know the law and indeed they agree with me that this amendment is straightforward. It is based on principles that have been established and law that have been tested and for that I commend the Bill to the House.

MR. GONESE: We have always said it and we will repeat it, AIPPA has no place in a civilised and democratic country. We opposed the original Bill and we believe that all the Minister wants is to have complete control of the media in this country. As a result of AIPPA, we no longer have The Daily News, The Daily News on Sunday and The Tribune. We would have thought that the Minister would take this opportunity to actually repeal the Act? It is only clear that we are the only country in the region which does not have an independent paper. We have the newspapers before they were banned by this regime and the one that has been bombed by some unknown persons. The State has all the resources at its disposal and they should have been able to apprehend the people who were responsible for bombing the building.

We know that the Minister wants to have complete control. We know it is because in The Sunday Mail, he calls himself, "under the surface" or "Reward Ndlovu" or "Muzala Joe" or "Nathaniel Manheru" who failed to appear for a feature report. We do not know what he is going to call himself next but he is not satisfied by that.

The Act has been already badly panned. As far as I am concerned, this Act can not be improved, the option is for the Minister to come with the Bill to Parliament to repeal the whole Act. The point is that from the outset, the Minister should not have the power to appoint members of the Media and Information Commission, we must have a self regulation. We have got a Parliamentary Committee which composed of the media and the Portfolio Committee of both members of MDC and ZANU PF. We want a situation where whoever is going to chair the MIC is an independent person who does not support this Government.

For these reasons we are not supporting this amendment. We wish to reiterate that the only option is to have the Act itself repealed. We want to move forward, to have a new Zimbabwe and for us to have that we should get rid of obnoxious pieces of legislation such as POSA and AIPPA.

MISS STEVENSON: I rise to support my colleague's comment on the amendment of AIPPA. I particularly want to take issue with the fact that the Hon Minister says that AIPPA is in conformity with the principles of good governance and SADC principles.

Madam Speaker, for good governance one needs an independent watchdog. One does not need a praise singer and a praise singing government media only. The whole role of the independent media as the Hon Minister knows very well is to expose the transgressions of Government and call Government to account. You cannot do that with a praise-singing media, and at the moment there is no independent press. The media is sufficiently powerful with its independence. It is one of the balancing powers of democracy, it is the fourth pillar of Government. It is extremely important to have an independent media. Right now as we prepare for elections, we only have one voice of the Government press.

AIPPA is a very evil law. It does not support good governance, it does not promote good governance, it is not in conformity with SADC principles, which despite what the Hon Minister believes insist on a free and independent press. For that reason I want to re-emphasise my colleague's call for the repeal of the Bill.

MR NYATHI: From the very onset, AIPPA was a law that was enacted with bad intentions to achieve bad results. Every Zimbabwean must have access to a press of his or her choice. It is actually bad for a Minister to adopt a cynical attitude which says AIPPA is about the rule of law, because it is not about the rule of law. AIPPA is about vindictiveness. AIPPA is about strengthening the foundations of dictatorship, denying the people of Zimbabwe access to information so that they can make informed choices about the manner their lives should be run.

We have also seen the press being abused particularly the state press. We have seen it being abused to carry out scurrilous attacks to individuals that certain people in Government might not necessarily like. We have seen the press being used as an instrument to divide the people of Zimbabwe. We experience the threat to people, deliberate by a press that knows no bounce in terms of what it can write and what it should not write.

The answer can be found in the manner in which journalists in the state media, for instance, have been abused and turned into instrument of partisan interests. They have lost their journalistic entitlement because they have been told that do not sin for their lives, their jobs are not on line...

MR. GWETU: I rise just to give you a strong warning in this August House. The provisions of AIPPA are better enshrined in the doctrine of Nazism and Fascism. The provisions are a complete travesty of human rights of all Zimbabweans. We are not moving forward economically, politically and socially. We are fast moving backwards while the rest of the world, including SADC, are moving forward. Why can we not join the rest of the world? I am sure members particularly MDC members are geared to move forward.

MR SIKHALA: *Musaregera kundisimudzawo kani Madam Speaker – (Laughter)*

THE DEPUTY SPEAKER: *Ndanga ndiri kutarisa kuti pane mumwe here ari kuda kutaura?*

MR SIKHALA: Madam Speaker, what I wanted to point out is that there is a danger which is being brought to this country that we have seen through the public media of the Government press tormenting senior officials of this country.

We have seen few individuals being given lime light while others who are taken to be a threat to other man's ambition being stampeded upon. So it is ambitious amendment to further the ambitions of the man.

If you will understand one article which was written recently that said that he was a guest to one of the white families in South Africa and the white man said; I want to introduce you the coming of the president of Zimbabwe, Prof. Jonathan Moyo. That is an ambition which should not be supported by this House. If we are not able to stop him, he will turn to be very dangerous to the security of our nation and to our own survival.

For the first time, since we were elected in Parliament in the year 2000, we must sober up all of us and make sure that we stop the ambitions of this man by rejecting this amendment and also

telling him to sober up, to start respecting protocol, elders and those who fought for the liberation struggle of this country – (*Laughter*) – we reassure you that unless he apologizes to our Vice President and to the Minister – we will never support him.

I can give you one example; that being retributive, banning a newspaper that belongs to a colleague, The Tribune that is owned by a member of his party. If it was owned by Nelson Chamisa or Prof. Welshman Ncube, we could understand, but not banning a newspaper of your own brother in the same party, who sits in the same Caucus. It shows the man's hunger for power – (*Laughter*)

I urge my brothers on the other side including Hon. Ziyambi to be careful of the man. You will only be able to be covered by *The People's Voice*. There are many people in this country who are being denied coverage by the Minister's controlling powers. We cannot continue as a House to add more powers to an ambitious man. He is campaigning, giving computers to schools, having tarred roads in Tsholotsho because we will never give him the Presidency on a platter. Go to the people.

MR CHAIBVA: I stand to join my colleagues who have spoken before me. I am one of the people who happen to have had some interactions with the Hon. Minister – [PROF. J. MOYO: Leave me alone] – since 1988. For your own information, when this Bill was presented before this House, I was not around. I saw it through somebody who sent me an e-mail to say there was an amendment to the AIPPA. My first reaction was a sigh to relief and before I opened to read what was contained there, I said, at last this nation is moving towards greater political freedom and democracy. Only to notice that the Hon. Minister in fact wants to vest himself with so much power than before, imprisoning journalists for a period of two years...

Purely, wanting to imprison journalists for a period of two years is not an issue that can be considered unconstitutional. Probably a modest fine could have done it better. I get extremely worried when I sit in this House and out there I have colleagues, friends and relatives who are trained to be journalists and they have been pushed out of work purely because of the Hon. Minister sitting in this House.

I am reminded by the words of the late National Hero Dr. Zvobgo when he represented an Adverse Report on AIPPA. He said that this Bill represents a concerted effort and a systematic approach on our freedoms 24 years after independence. That goes a very long way to indicate the heinous nature of the piece of legislation that the Minister is presiding over.

The Hon. Minister has made a complete dramatic 180 degrees Celcius somersault. It requires me to probe and to enquire as to why and what could be the reason behind the dramatic change of the heart and attitude. I want to advance why the Minister is bringing this piece of legislation in light of his history advocating democracy and freedom of the press. When a man wants to hear his own voice and none other, and when he is dancing his own music and not wanting to listen to any other, that man has dangerous political ambitions. I talked about the man. I thank you Madam Speaker.

MR CHAMISA: I know that whatever I am going to say is already prejudiced against. What shocks us as the Minister brings this Bill is what has happened four years so as to cause the Minister to be so afraid of independent journalists? The Minister continues through this House resurrect some of the obnoxious laws reminiscent of the Rhodesian Smith regime. AIPPA is worse than the Censorship Act of Ian Douglas Smith.

I think the Minister is aware of my capacity that surpasses his own capacity – (*Laughter*) – if you look at section 83 of AIPPA which seeks to imprison journalists for two years, it is only a weapon that is used by a weak Government. It is a manifestation of dictatorship. For us from this side of the House, we cannot and we will not support an assault on people's freedom. We will not support the persecution of journalists.

For the past four years the Minister has been consistently working – we are aware that at ZBC the conditions of service have deteriorated to the extent that employees are leaving work for a greener pastures. Instead of him concentrating on making sure that our employees, journalists have conducive environment to work under, he is continuing to make sure that the environment is very dangerous. He comes to this House not to amend or to review certain obnoxious sections of AIPPA, but to weaken the freedom of expression and the freedom of journalist to solicit information.

MR GASELA: Madam Speaker, the other day I spoke to the Hon. Minister and said “it used to be a great joy on Sundays when you are relaxed to read The Sunday Mail”. He then said “what is the problem now?” Some of us feel bad when we read the newspaper and all that you find is hate stories. There is too much hate in *The Herald*, *The Sunday Mail*, *The Chronicle*, *The Sunday News* and *ZBC*. The language hate that is used in this monopoly – we read newspaper from other countries, and we listen to their radio stations but the language of hate that is used in this group is unparalleled. You cannot find any message of hate in any newspaper that you read in the world or when you listen to the radio.

Madam Speaker, many Hon. members have spoken about these amendments that they are designed to give more power to an individual to rise to an unknown level of hate that we see in the newspapers. One longs for a time he can read a newspaper and say “this is factual”. When the Minister was presenting what he referred to the substance of the Bill, he said “Factual Reporting” when you listen to that you tend to agree but you should look at what happens.

When I spoke to the Minister about this hate language, he gave me his phone number and he said to me “look, we are now toning down. From now on if you see anything, just tell me about it” – what I saw after that conversation was a further step on the hate language. What it means is that the Minister was very happy that I am unhappy. He glorifies in hate language and he wants the people of Zimbabwe especially the young generation to develop this hate. It is terrible for the country.

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PROF JONATHAN MOYO: Hon. members have made their contributions and statements that I would like to look into very closely. I would like to have the benefit of *Hansard*. Therefore, I move that the debate do now adjourn – [HON. MEMBERS: *Inaudible interjections.*]

Hon. Gasela and Hon. Gonese are asked to leave the House.

Motion put and agreed to.

Debate to resume: Wednesday, 20th October, 2004

Tuesday, 26th October, 2004

SECOND READING

AIPPA BILL

Fourth Order read: Adjourned debate on motion on the Second Reading on the AIPPA Bill.

Question again proposed.

THE MINISTER OF STATE FOR INFORMATION AND PUBLICITY IN THE PRESIDENT'S

OFFICE: I would like to thank hon. members of the opposition for their contributions to the debate. Their contributions had one thing in common, virtually all of them those to debate the Minister and not the Bill. The Bill, I take, that is clear indication that members are happy with the Bill but they are unhappy with the Minister and that is their business.

As such, I am not going to dwell on anything they said about the Minister and will look at three issues the specifically raised about not really the Bill before the House but it seems to me the principal Act, which this House approved and His Excellency assented to and which in fact is part of our laws which members have sought to uphold and respect.

Hon. Gonese referred to the *Daily News* and alleged that this Act is responsible for the demise of *The Daily News*. He knows that this is not true. He knows that it is not publishing because it chose not to follow the law, that is the only reason why it is not publishing. He wants to give impression that the *Daily News* and the *Daily News* on Sunday are the first and only newspapers to come onto the media scene and disappear, that is not correct because I am sure, he like everyone else, remembers that there was once a newspaper called the *Daily Gazette* and there was the *Sunday Times*. They are not there and that is the nature of the business. What he is really meant is in fact a statement which was made public by Prof. Ncube. He said the *Daily News* was an MDC paper and closing down it is attacking the MDC...

Madam Speaker, Hon. Stevenson said that the whole role of independent media is to expose transgressions of Government and call it to account. This is an Opposition fallacy. The role of the media is to hold everyone to account, not just Government but the opposition party itself as Members of Parliament, to hold them to account to the promises that they made as to why they are calling for sanctions, as to why they are busy working with foreign Parliaments to write laws against the country. That is the role of the media.

It is a pity that the media we call independent have not done that. It shows that it is an irresponsible media. It is the role of the media to hold the business to account, to hold churches to account and not just to hold Government to account. So we do not agree with that view.

MR. SIKHALA: On a point of order, the Hon. Minister is accusing that some members of the Zimbabwe Union of Journalists are working with the West and the British. He has to name them first. Secondly, we know that he is the greatest beneficiary of Western patronage after he has been trained as a CIA agent in America – (*Laughter*).

THE DEPUTY SPEAKER: May we have some order in the House. I would rather we adjourn the House for today with everyone who has come to Parliament. I may be forced to excuse some Hon. members out of the House.

THE MINISTER OF STATE FOR INFORMATION AND PUBLICITY IN THE PRESIDENT'S OFFICE: I move that the Bill be now read the second time.

The Bill read a second time.

COMMITTEE STAGE

MR. GONESE: As pointed out in the general debate, Madam Chair, we would like a situation where a Minister does not appoint anyone to the Media Commission. As it stands the Association of Media Houses can only nominate three members to the Media Commission. What the Minister want is to hand pick people who pander to his whims the likes of Tafataona Mahoso. What we propose therefore is that the whole of Section 40 be amended in such a way that the journalist themselves have the majority of people who sit on the Commission.

We believe that the media houses in this country have an association and I do not accept that there is no association for Media Houses. We are there for submitting that this amendment should not be made. Employers and employees do not necessarily have the same interests. We want a situation where Media Houses make their own nominations which are separate from those made by journalists.

Most of the journalists who used to be employed by the Daily News are now in the streets because of this Act. So the ideal situation Madam Speaker is to have Media Houses having their own representation and their own right to nominate people to sit on the Commission and on the other hand journalists will also have the same right. As the situation stands, now the Minister can choose to have nominations either from journalists themselves and media houses.

MR. CHAIBVA: Madam Speaker, it is my view that for the first time in this House we have been presented with an opportunity on both sides of the House to put our heads together and appreciate that the owners of Media House and journalists do represent different sectional interests. I think it is my respectful submission that the interest of media houses must be catered for separately from the interests of journalists who are largely employees. I would like to call on my colleagues on the other side that we should make a provision where we will allow the Minister to appoint media houses separately from journalists who are employees. For the first time we need to put our heads together and listen to the voice of reason.

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OFFICE PROF. JONATHAN MOYO: Madam Chair, Hon. members have not said anything new. The point that they keep making is to insist that there is a media association. There is none right now. Currently we have an association for advertisers and not representing publishers. We cannot cause one to be formed because we are democratic. We are allowing those in that sector to choose for themselves.

We have a flexible law and that is what this provision seeks to do. If we have both an association for journalists and media houses, they will be allowed to nominate their own representatives. If one is not there, we would not like to tie the hands of the democratic process. If they existed they would be allowed to nominate. This is an example of good law.

*Bells rung.
House divided.*

THE DEPUTY SPEAKER: The result of the division is that 52 hon. members voted in favour of and 35 voted against the clause. The clause is there for adopted.

MR. COLTART: Madam Chair, the purpose of this section is clear. The ZANU PF Government has realised that the closing down of the Daily News or Tribune is not sufficient to stem the flow of information in this country and that is why they need this so that they can go after individual journalists. They have managed to close down institution. The purpose of this is now to attack and criminalise the activities of individual journalists. This is an admission by this regime of its failure that they have stopped the haemorrhaging of information coming out of this country. It is clear that once this legislation has been passed the Media Commission will first of all deny the accreditation of certain journalists. This legislation will be used to detain those journalists in an effort to intimidate them and to run them out of this country as has been done by other sectors of the society. Mark my words.

We know the other purpose of this legislation and also the purpose behind the NGO Bill. This regime has been gravely embarrassed by the revelation of violence, gross human rights violations perpetrated by this regime. This will not work. You cannot stop the irreversible process towards the attainment of genuine democracy. They can pass as many laws as they like but they will never extinguish people's desire for freedom.

MR. MADZIMURE: I would like to say that the Minister should consult with people, first and foremost and get ideas not down loading information from the computer. The Bill we are talking about affects a lot of people. There are a lot of people who are now jobless because of the law which have been brought by this Hon. Minister. You may wonder why the Minister has caused untold suffering.

THE CHAIRPERSON: We are not debating Prof. Moyo, we are debating the clause.

MR MADZIMURE: We are failing to switch on our televisions because of you. I am asking the Minister to respect Zimbabweans. He should leave the children to do their work – [HON.

MEMBERS: *Inaudible interjections.*]

MR. SPEAKER: Order, what date for resumption of Committee?

PROF. MOYO: With leave of the House, tomorrow – [MR. GONESE: *Inaudible interjections.*]

MR. SPEAKER: Order Hon. Gonese. You were debating and the Chair is reporting progress and is seeking leave to sit again. He is saying tomorrow and you are saying , no. It is tomorrow.

Committee Stage: Wednesday, 27th October, 2004

(note – this debate has not yet resumed on 4 November)