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**THIRD SESSION – SEVENTH PARLIAMENT**

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# FIRST REPORT

# OF THE PORTFOLIO COMMITTEE ON MEDIA, INFORMATION AND COMMUNICATION TECHNOLOGY

# ON THE STATE OF PUBLIC MEDIA IN ZIMBABWE

***Presented to Parliament June 2011***

**(S.C, 8, 2011)**

**ORDERED IN TERMS OF STANDING ORDER No. 159:**

(1) At the commencement of every session, there shall be as many committees to be designated according to government portfolios as the Standing Rules and Orders Committee may deem fit.

(2) It shall be the function of such committees to examine expenditure administration and policy of government departments and other matters falling under their jurisdictions as Parliament may, by resolution determine.

(3) The members of such committees shall be appointed by the Standing Rules and Orders Committee, from one or both Houses of Parliament, and such appointments shall take into account he expressed interests or expertise of the Members and Senators and the political and gender composition of Parliament.

**TERMS OF REFERENCE OF PORTFOLIO COMMITTEES S.O 160**

Subject to these Standing Orders, a portfolio committee shall-

a) consider and deal with all Bills and Statutory Instruments or other matters which are referred to it by or under a resolution of the House or by the Speaker;

b) consider or deal with an appropriation or money bill or any aspect of an appropriation or money bill referred to it by these Standing Orders or by or under resolution of this House;

c) monitor, investigate, enquire into and make recommendations relating to any aspect of the legislative programme, budget, policy or any other matter it may consider relevant to the government department falling within the category of affairs assigned to it, and may for that purpose consult and liaise with such a department; and

d) consider or deal with all international treaties, conventions and agreements relevant to it, which are from time to time negotiated, entered into or agreed upon.

On Tuesday, 13th July 2010, the Speaker announced that the Committee on Standing Rules and Orders nominated the following members to serve on the Portfolio Committee on Media, Information and Communication Technology :-

Hon Baloyi A

Hon Chaderopa F

Hon Jembere E

Hon Mandebvu N T

Hon Matonga B

Hon Muchauraya P

Hon Mudarikwa S

Hon Mudiwa

Hon Musumbu E

Hon Mutseyami P

Hon Moyo S

Hon Varandeni J

Hon Shoko H

Hon Sibanda C C

Hon Ziyambi Z Z

**Hon Moyo S to be Chairperson**

## 1. INTRODUCTION

**1.1** The Portfolio Committee on Media, Information and Communication Technology resolved to undertake an enquiry into the State of Public Media in Zimbabwe. The enquiry was motivated by the Inclusive Government's commitment to instigate media reforms in the country. Article 19 of the "Global Political Agreement" entered into by ZANU PF, MDC-T and MDC-M in September 2008 recognizes "the importance of freedom of expression and the role of the media in a multi-party democracy" and calls for "the issuance of licences" to broadcasters other than the "public broadcaster". In that spirit, the Ministry of Media, Information and Publicity organized a Media Stakeholder Conference in Kariba in 2009 to discuss issues relating to the media industry. The GPA therefore calls for diversity in the media through licensing of new players in both broadcasting and print media. With the opening up of the media industry, the Committee was compelled to enquire into the state of the public media with the following objectives:

### 1.2 Objectives

(a) To appreciate the operations of Public Media organizations and assess their preparedness in view of the anticipated opening up of the media.
(b) To appreciate challenges faced by public media institutions in fulfilling their mandate;
(c) To find out what the expectations of the stakeholders and the public in general were with regard to the operations of the public media institutions vis-à-vis their mandates;
(d) To find out the views and recommendations of media stakeholders on the legal operating environment; and
(e) To recommend action for improved services by the public media to the relevant authorities.

## 2. METHODOLOGY

In undertaking this enquiry the Committee adopted the following methodology:

### 2.1 Oral Evidence Sessions.

The Committee held oral evidence sessions with the following public media institutions:
Ministry of Media, Information and Publicity, Broadcasting Authority of Zimbabwe, Zimbabwe Broadcasting Corporation, Transmedia, and Zimpapers. The purpose of the oral evidence sessions was to get an overview of the operations by the parent Ministry and the various entities under its administration. The Committee received further oral evidence from the Zimbabwe Association of Editors, Zimbabwe National Editor's Forum and Voluntary Media Council of Zimbabwe on the media operating legal environment. The Committee also received oral evidence from Zimbabwe Media Commission (ZMC) on its operations and challenges being faced.

### 2.2 Tour of ZBC studios and Zimpapers

The Committee conducted some tours to ZBC studios at Pockets Hills in Harare, Gweru studios and Montrose studios in Bulawayo. Tours were also conducted at Zimpapers, The Herald House in Harare and The Chronicles in Bulawayo. The tours were meant to get a practical appreciation of the state of the equipment and the challenges faced by these public media institutions in carrying out their mandate. During the tours, the Committee had the opportunity to meet workers representatives and get their views on the operations of their institutions.

### 2.3 Workshops on the Review of Media Laws

In anticipation of the media law reforms in line with the pronouncements made in the Global Political Agreement, MISA-Zimbabwe and UNESCO organized separate workshop meant to bring to the attention of the Committee the concerns of the media fraternity on the various pieces of legislation regulating the media industry namely: Access to Information and Protection of Privacy Act (AIPPA), the Broadcasting Services Act (BAZ), the Constitution Amendment No. 19 of 2009 which establishes the Zimbabwe Media Commission (ZMC) and the Zimbabwe Broadcasting Corporation (Commercialization) Act of 2001. The workshops brought together the various media interests groups in the media fraternity as resource persons and made enriching presentation to the Committee.

**2.4 Public Hearings**

The Committee held two public hearings, one in Harare and the other one in Bulawayo on the state of the public media. The one in Gweru flopped due to no-show as a result of ineffective means of informing the public. The Committee had relied on flighting a public notice in the Chronicle Newspaper which enjoys a very limited circulation in the area. The public hearings gave members of the public an opportunity to air their views on the operations by public media institutions and what their expectations were.

**2.5 Fact Finding Visit to South Africa;**

The Committee conducted a fact finding visit to South Africa which was sponsored by MISA-Zimbabwe and it was represented by five Honorable Members.The study visit was meant to acquint the Committee with the management of South Africa's media regulatory bodies and share experiences on the implementation of regional and international media instruments.The Committee interacted with the Press Council of South Africa, Independent Communications Authority of South Africa (ICASA), Media Development and Diversity Agency (MDDA) and the Portfolio Committee on Communications in South Africa.

## 3. FINDINGS BY THE COMMITTEE

### 3.1 THE BROADCASTING AUTHORITY OF ZIMBABWE (BAZ)

The Committee received oral evidence from Mr Muganyura, the Chief Executive Officer on the establishment of BAZ and its operations. Below were the findings of the Committee

**3.1.1 The Establishment of BAZ and its Mandate**

BAZ is a statutory body established in terms of section three of the Broadcasting Services Act [Chapter 12:06] to licence and regulate the provisions of broadcasting services in the country. According to the First Schedule of the Act, the Posts and Telecommunications Authority of Zimbabwe (POTRAZ) "shall allocate all frequencies for the purposes of broadcasting services to the [Broadcasting] Authority for planning and licensing, and the Broadcasting Authority shall manage and allocate the frequencies for all broadcasting systems or services in Zimbabwe". BAZ has the responsibility "to plan and advise on the allocation and distribution of the available frequency spectrum and "to receive, evaluate and consider applications for the issue of any broadcasting licence or signal carrier licence". There are two categories; the broadcasting services licence which is issued to a person who is responsible for programmes that are broadcast and received by the general public. Currently the sole license holder for this class of licenses is the Zimbabwe Broadcasting Corporation. The second one is the signal carrier licence issued to a person who operates signal transmission stations for the purpose of transmitting broadcasting services and currently Transmedia formerly a department under ZBC has this kind of license.

**3.1.2 The Structure of BAZ**

The Committee was informed by the Chief Executive Officer of BAZ that the Authority is led by a Board that is appointed by the President in consultation with the Minister and the Parliamentary Committee on Standing Rules and Orders Committee. At the time of hearing in July 2009 such a Board was not instituted after the previous one was dissolved with the enactment of the Broadcasting Services Amendment Act of 2007. Therefore, the Authority has been operating without a Board since February 2008 up to October 2009 when the Board was appointed. Below the Board, is the Management that is headed by the Chief Executive Officer, then four directors heading technical department, content compliance department, legal department and the finance and administration department. The full establishment of the Authority is twenty-one but at the time of the hearing there were ten employees in posts. These were the Chief Executive Officer, two directors, two managers, two compliant officers, one PA to the CEO, one receptionist and one messenger. The posts of the technical manager and the finance manager were vacant.

### 3.1.3 Classes of Licenses Managed by BAZ

There are ten classes of broadcasting licensing that can be issued by the authority namely: a commercial broadcasting service; a community broadcasting service; a subscription satellite broadcasting service; a subscription cable broadcasting service; a subscription narrowcasting service; an open narrowcasting service; a datacasting service; a roadcasting service; a railcasting service; and a webcasting service. For commercial radio the frequency has a capacity for six radio licenses and five were allocated to ZBC for Radio Zimbabwe, Power FM, Spot FM, National FM and Voice of Zimbabwe, leaving one for new players. In respect of community radios, the Authority has developed a base plan where it has aimed at providing frequencies for each district and has come up with 56 frequencies. However, since the enactment of the Act in 2001, no community broadcasting license has been issued by the Authority in spite of about 10 community radio initiatives countrywide having shown interest, joined hands and have been engaging government for the past six years in their struggle for community radio broadcasting.

As for narrowcasting service, there is capacity for 28 local commercial radio stations for urban areas and no license has been issued yet. The Chief Executive Officer indicated that the Authority had invited for applications in 2002 and those that responded could not meet the stipulated requirements. As for the signal carrier there was no response. During the year 2004-5 it invited applications for fifteen commercial broadcasting licenses and received five, one for television and four for radio and all the five applications did not meet the criteria for licensing. With regard to cable transmission, no license has been issued, as the Authority has not yet conducted enquiries for cable distribution. It has issued temporary licenses for satellite terminals during the election period in 2008 to media institutions namely: SABC, Aljezira, ARDTV of German and to Transmedia for coverage of soccer matches.

### 3.1.4 The Licensing Criteria

Before inviting applications for licences, the Authority is required in terms of the First Schedule of the BSA to first carry out some ground work regarding the licence area plans and the frequency allotment plan which shows the frequencies available for the provision of different classes of broadcasting services in different parts of the country and those that should be reserved for future use. After the Authority has prepared frequency allotment and licence area plans, it calls for invitation in national newspapers and the Government Gazette. On receipt of applications, they are published in the newspaper and the public are expected to launch any objections on any of the applications within 14 days of the date of publication. Applicants who meet the criteria for licensing at that stage are short listed and then required to appear before a public inquiry and before the Board of the Authority that will be sitting as a Commission. The applicants will be subjected to questioning by the Commissioners and the general public with a view to ascertain whether the applicants meet the criteria stipulated in the Act. The Authority then conducts the final adjudication and determines whether licenses should be issued or not. In the event that the Authority is not in a position to issue licenses, it must give reasons which should be consistent with the criteria of licensing and any person aggrieved by the Authority’s decision can appeal to the administrative court.

The licensing criterion has been regarded by the media fraternity as highly prohibitive and they suspect it is deliberate to maintain the status quo. The BAZ Chief Executive Officer indicated that the Authority had received representations on the licensing criteria which was regarded as prohibitive. Some reviews were carried out and recommendations were made to the Ministry. Some of the changes were alleged to have been effected in the Broadcasting Services Amendment Act of 2007.

**3.1.5 Content Requirements**

In addition to specific conditions for public, commercial, community broadcasting services stipulated in the Seventh Schedule of the 2007 BSA, the Sixth Schedule of the Principal Act provides for content requirements to be observed by the three categories of broadcasters. A television broadcaster has to ensure that 75 per cent of its programming content consists of local television content and material from Africa. In specific terms, 70 per cent of its drama, social documentary and knowledge-building programming as well as 80 per cent of its current affairs, educational and children's programming must be of Zimbabwean origin. Subscription television operators must broadcast at least 30 per cent local content. Music broadcast by radio stations regardless of their programming format and character has to be predominantly music produced in Zimbabwe (at least 75 per cent) and a further 10 per cent from Africa – leaving a balance of 15 per cent for music from outside the continent.

The concern raised by stakeholders including ZBH was that the requirements for content were decided upon without considering the realities on the ground. While the system of quotas for content is a common practice in most countries, and the intention by government to promote the local cultural production industry was noble, the conditions set in Zimbabwe were considered excessive and unrealistic in view of small and struggling cultural production industry. In fact government overestimated the capacity of independent producers. ZBC Chief Executive Officer indicated that it has been a nightmare for the company to comply with the 40% quota for independent producers, as they are struggling to meet their quota. The highest they have gone was 10% and in most cases they take up 5-7% of their quota. Most countries have set up funds to support local independent producers but in this country they are expected to finance themselves. Government had anticipated that they would get financial support for training from the Broadcasting Fund. However, there is very little going into the Fund as ZBH and Transmedia are struggling to meet their obligation in respect of license contributions. In fact ZBC Chief Executive when he appeared before the Committee in July 2009 confirmed that the company had not contributed anything to the Broadcasting Fund due to financial constraints.

**3.1.6 Challenges Faced by the BAZ**

At the time of the hearing, the Authority was operating without a Board and in this case the Board is the licensing authority and should also give policy directions to the Authority. The Authority is grossly underfunded. There is very little funds flowing into the Broadcasting Fund as ZBH and Transmedia, the only licensed entities are struggling to honour their obligations regarding paying their license contributions. The Authority could not afford to pay allowances being paid by government to its workers and as a result, monitoring use of broadcasting services was greatly curtailed. In terms of staff complement, it was operating at 50% and was also finding it very difficult to attract specialist skills. This was echoed at a public hearing in Harare where some members of the public pointed out administrative capacity as a challenge faced by BAZ and in that regard questioned its capacity to appreciate the software and determine the frequencies available. It has only five vehicles for all its operations and as a result, monitoring activities to ensure compliance by licensees was greatly curtailed. The Authority does not have technical monitoring equipment and relies on borrowing from POTRAZ.

## 4.1 THE ZIMBABWE BROADCASTING CORPORATION (ZBC)

### 4.1.1 Establishment and Mandate of ZBC

The Zimbabwe Broadcasting Corporation was born out of the Zimbabwe Broadcasting Corporation (Commercialization) Act of 2001 which repealed the Zimbabwe Broadcasting Corporation Act of 1973. In section 3 of the Act former ZBC was split into two successor companies namely: ZBH, which assumes the broadcasting services function and Transmedia which takes over the functions of signal carriage. The public Broadcaster is currently the sole broadcaster for both radio and television since the liberalization law in 2001. It is widely regarded by the media fraternity as a state-owned and state-controlled broadcaster in as much as it is 100% owned by the state and also the perceived role of the Minister in appointing the Board of Directors. The civil society pointed out that this is inconsistency with the Declaration of Principles on Freedom of Expression in Africa Article VI which stipulates that state and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than to government.

### 4.1.2 The Structure of ZBC

There is a Board at the apex of the organisation where the Chief Executive sits as an *ex-officio* Member. The Board is responsible for policy directions. It is appointed by the Minister, in consultation with the President. Below the Board is the Chief Executive Officer who is responsible for implementing policies and decisions by the Board. There are line managers responsible for engineering, news, programming which include all radio stations and television, and finance and administration. From Managers there are Heads for finance, human resources, marketing and sales and other lower level staff up to the ordinary worker. There are managers in each of the stations save for Montrose in Bulawayo which has an area manager. The Broadcaster currently employees plus or minus 800 employees.

### 4.1.3 Operations by ZBC

There are currently two TV channels, one operates on a 24hour basis intended to cover the whole country while the second one operates on a 12hour basis and is only limited to Harare in terms of coverage. Programming and scheduling is guided by the regulations which require 75% local content of which 40% is reserved for local independent producers. The remaining 25% is for the international and regional quota and the Broadcaster procures such programmes from foreign countries and this takes a substantial chunk of what comes from license fees. The Broadcaster runs five radio stations namely Radio Zimbabwe, Spot FM, Power FM, National FM and Voice of Zimbabwe. Radio Zimbabwe is a full-spectrum station which broadcasts 24 hours a day in Shona and Ndebele from Mbare Residential Suburb in Harare. Both ZBC and Transmedia informed the Committee that there is close to 100% coverage in terms of transmission. Listeners were urged to tune into the respective frequency as it varies from one area to another. Power FM is a 24-hour music station which used to broadcast from Gweru but has since moved to Pockets Hills in Harare. National FM is based at Pockets Hill in Harare and broadcasts 24 hours a day in 17 local languages and mainly focuses on news, music and socio-cultural content. The Broadcaster was concerned that though the National FM was designed to air programmes in 17 local languages, it was failing to reach the outlying areas of the country due to transmission problems. Due to transmission problems communities in the outlying areas of the country such as Kariba, Victoria Falls, Plumtree, Chirundu, Binga, Beitbridge and Chiredzi have no access to local radio and television and are now accessing foreign stations from across their borders. Due to lack of adequate number and suitable vehicles programming activities are now limited to urban areas and in the offices. At the time of the tour of Pockets Hills studios, the Programming department was failing to purchase films from outside the country. The only one functional editing machine was being shared by the Programming and News departments. At times they have to edit programmes up to midnight or early morning hours.

Spot-FM radio broadcast from Montrose studios in Bulawayo and as for TV, it mainly package programmes and relay them to Harare for airing. There is staff for Radio Zimbabwe, National FM mainly for productions as presentations are now done from Harare. The station operates as a complementary station. The workers representatives at Montrose studios expressed reservations on the requirement for all programmes to be approved in Harare. They indicated that independent producers were now reluctant to submit their programmes to the Broadcaster as they feel that the people who approve programmes in Harare lack appreciation of the programme setting and as a result play down the tone or even turn them down on ill conceived basis. This was also echoed by the public during the public hearing in Bulawayo as they pointed out they were no longer interested in ZBC television programmes as they are predominantly from the Northern parts of the country and there are very few from the Southern parts of the country. Some members of the public expressed concern on the lack of consultation on programmes and in that regard depicted ZBC as a public broadcaster that was not accountable to the public.

Voice of Zimbabwe, which is based in Gweru runs, programmes mainly news and current affairs from 1800 hours to 12 midnight and cannot go beyond 12 midnight due to resource constraints. It transmits to Guinea Fowl through short wave and to Pockets Hills via a Tel One microwave link but its coverage is limited by the fact that most people do not have short wave receivers. The station has therefore been accessed by some parts of the world especially in areas with short wave receivers. The station has established a number of desks namely political, business, health, tourism, agriculture and cultural music. However, the library is not well resourced and as a result, productions lacked in-depth research. At the time of the visit by the Committee, the station was in the process of moving to new premises and as such most of its equipment was still at the old premises. The change of premises required Tel One to shift the line linking Guinea Fowl to the new premise. However, Tel One was reluctant to transfer the line as it is owed US$40 000 in unpaid telephone bills.

The public during public hearings held in both Harare and Bulawayo lamented lack of consultation on programmes aired by the public Broadcaster. As a result many viewers have opted for satellite dishes and shun ZTV. A survey by BAZ has shown that satellite dishes have become a dominant feature especially in most urban areas. Some members of the public pointed out that most ZBC programmes have an urban bias and there is very little from the countryside. Outlying areas were disadvantaged in terms of critical information which come through the broadcasting such as epidemic alerts on cholera and swine flu due to lack of transmission . The licensing of community radio stations was viewed as a solution. Some felt that the public broadcaster should extensively cover all aspects of social life throughout the country and should also endeavour to promote the culture of small indigenous communities such as the Tonga and the Kalanga so that it instills a sense of belonging. The public in Bulawayo felt that the programmes were biased towards the northern parts of the country and there are very few programmes from the southern parts of the country. ZBC management indicated that because of the aging fleet the Broadcaster's activities in terms of programming are now limited to office work, as the vehicles are not suitable for the terrain in most rural areas. They also lack sophisticated outside broadcasting equipment.

### 4.1.4 The State of the Equipment

The Committee found out that the state of equipment at all ZBC studios for both radio and television was in a sorry state. The equipment that was commissioned in the early 90s was designed for the analogue system and now needs to be replaced by digital equipment by 2015 in compliance with the deadline set by the International Telecommunications Union. The SADC region has set for itself year 2013 as a deadline for switching to digitalization. The equipment in all the studios at Pockets Hill and Mbare in Harare Voice of Zimbabwe in Gweru and Montrose in Bulawayo are in still in analogue technology. During the tours of the ZBC studios, the Committee noted that there was a mix of equipment one described as commissioned by a Swiss company in the early 1980s and the other type of equipment was supplied by an Iranian company under a government to government bilateral agreement. The Iranian equipment was digital while the Swiss equipment was in analogue form.

During the Tour of Pockets Hills studios, the Head of Engineering department informed the Committee that there is no company in Africa that manufactures broadcasting material and out there in the developed world there is competition to bring out the latest technology. There is therefore fast movement in terms of technology in the field of broadcasting. The public broadcaster now finds it very difficult to get spares for most of its equipment as the suppliers had either closed shops or switched to digital equipment. The TV equipment is now more than 15 years old and the outside Broadcasting equipment was purchased in 1994. It is now very difficult to have outside broadcast and the Broadcaster admitted that productions are now of poor quality. They do not have electronic news gathering cameras, microwave links, and satellite link to cover events outside the Broadcast. There is only one functional editing machine which has to be shared between the Proramming and News departments. As a result, they have to edit programmes up to midnight or early morning hours.

This state of affairs also obtains at Montrose studios. It has no portable recorders. The OB Van is now grounded and the Broadcaster has to bring the one in Harare for events taking place in Bulawayo. The station is also finding it difficult to get spares for its old and obsolete equipment. There is actually a room full of equipment which can no longer be repaired due to non-availability of spares on the market.

In its effort to recapitalize the public broadcaster, government in 2004 entered into a government-to-government bilateral agreement with the Republic of Iran for some Iranian company to supply the Broadcaster with digital equipment. The Iranian government gave the Zimbabwean government a 15 million euro loan. The fund was shared between ZBC and ARDA, with ZBC getting five million euros while ARDA got 10 million euros. The Iranians required the Fund to be serviced in its totality. ZBC started paying back while the other recipient ARDA was not. Eventually ZBH stopped after paying only 300 000 euros as the other recipient was not paying anything. To date ZBH still owes the Iranian company five million euros as it is accruing interest. ZBC felt that the deal was a bit unfair as the Iranian company factored in a huge mark-up if one compares the cost of such equipment in the world market. In 2004, the mark up was close to 50%.  There were indications that the company was not a well known manufacturer for broadcasting equipment. Moreso, the Broadcaster pointed out that it did not benefit fully from the Iranian deal for a number of reasons. Firstly, the Iranians installed the equipment and returned back without training ZBC personnel to operate the equipment, as the deal did not include the provision for training of personnel as well as the spares and other consumables. The engineers were supposed to go to Iran and inspect the equipment and the personnel get trained before the equipment was commissioned but this did not happen. After installation, the Iranians left without a proper hand over and take over. As a result the Broadcaster was not making use of most of the equipment. Furthermore, some of the equipment had broken down and out of the three studios covered only one is operational and the main news studio is partially operational.

There are efforts to try and re-engage the Iranian company with a view to resuscitate the project but funding is the major problem. The Iranian company had signalled that re-engagement process could only start after the Broadcaster pays an additional amount. Meanwhile the Committee was informed that government had requested the public broadcaster's requirements for the digitalisation of its studios. In that regard, the Broadcaster had submitted requirements totalling $35 million. This amount includes refurbishment of OB Vans for both radio and television.

### 4.1.5 Financing of ZBC

Following Commercialisation, the Committee was informed that the Broadcaster was cut from government funding. It now relies on license fees and commercial activities such as advertising. The revenue inflows were regarded to be very low due to the prevailing economic environment. Individuals cannot afford to pay license fees and companies during these hard times view advertising as a luxury. With transmission coverage of 30% for television and less than 45% for radio, it was very difficult for ZBC to realize considerable amount of revenue from licenses. The ZBC management expressed concern that while ZBC was 100% owned by government, no financial assistance was coming from the sole shareholder. They argued that all other public Broadcasters in the region receive a grant from government except Zimbabwe. Under the prevailing economic situation, ZBH was able to raise funds from own sources just to cover recurrent expenditure and therefore, needed support for recapitalization from government. Furthermore, workers at Montrose in Bulawayo pointed out that while government was not contributing anything, all national events were being covered by the Broadcaster at no cost and this presents a major cost to the Broadcaster.

The public viewed the license fees as excessive when compared to the programmes which were lowly regarded. ZBC was therefore facing a lot of resistance in collecting license fees particularly from individuals. The license fee for radio for rural dwellers is pegged at US$10 while their counterparts in the urban fork out US$20. The license fee for television is US$50. The radio license fee for business premises is US$50 and for television is US$100. For private vehicles, motorists fork out US$30 while for company vehicles it is pegged at US$80. A Business Association during a public hearing in Bulawayo views the licensing regime by ZBC as unjustifiable. Television and Radio Licence fees were considered exorbitant in comparison to those obtaining in South Africa where a listener/television licence is R220 and the public broadcaster has three TV channels and hundreds of Radio Stations. A call was made by the Business Association for the Broadcaster to abolish car radio licences as Zimbabwe was considered as probably the only country with such type of a licence. A request was made for a one television / radio licence per premises (Company or Residential) as opposed to a licence for every receiver on the same premises/property. The public during public hearings held in Harare and Bulawayo preferred a uniform license fee for either radio or television for the individual and for a company.

### 4.1.6 Staffing Issues

The workers at Pockets Hills in Harare and Montrose Studios in Gweru complained about poor conditions of service. Concerns were particularly raised on the unsuitability of vehicles used to ferry workers. Though workers at Pockets Hills have a bus, they are ferried in open trucks in the event that the bus has broken down. Workers at Montrose do not have a bus and they are ferried in open trucks. Workers at Pockets Hills and Montrose Studios complained about the state of equipment which was now old, obsolete and incompatible with new technologies in the broadcasting sector. Meanwhile there is no training pogrammes to keep officers up to date with technological developments. This was confirmed by Management when it indicated to the Committee that the Iranian equipment was being underutilized as officers were not trained in using the equipment. Regarding salaries workers at Pockets Hill were concerned about failure by the company to meet pay dates, sometimes they were paid two weeks into another month. At Montrose studios, workers were concerned with salary scales which they said were benchmarked on financial performance of the organization and to what civil servants were getting. Staffing levels are now very low as most senior staff have left the company. There is therefore inexperienced staff in the newsrooms and they require a lot of assistance from a few senior officers available. In Bulawayo, they expressed concern on the need for image building for ZBH, for instance clothing for staff which identify with the company. Unlike foreign media staff, ZBH staff has no form of identification unless one produces a ZBH identification card.

Workers expressed concern on the rate of firing at senior management level as people leave and continue to enjoy their benefits when contracts are terminated prematurely. This they argue was a major drain on the company's meager resources. They were also not happy with the current organizational structure which they described as top heavy. In their view, some managerial positions were regarded as created with individuals in mind and not as a necessity. They felt that a leaner structure was desirable given the financial constraints facing the Broadcaster.

## 5. The State of Transmission Infrastructure

Following the Commercialisation of ZBC in 2001, the company was split into two companies. ZBC on one hand deals with matters of broadcasting while Transmedia provides radio and television signal distribution services for broadcasters in or from Zimbabwe. Transmedia like ZBC is therefore state owned company. It inherited an infrastructure that had outlived its lifespan.

### 5.1 The Structure of Transmedia

The company is run by a board of directors which is currently chaired by Dr P. Kurasha on an acting basis. The Management is headed by a chief executive, a post that was vacant when the company appeared before the Committee sometime last year. The Executive Director was acting in that position. It has a staff complement of 30 countrywide and in its view, it is adequate to fulfill its mandate. The Head Office is stationed in Harare and there are other centres in Mutare, Bulawayo, Masvingo and Gweru.

### 5.2 Operations by Transmedia

Transmedia operates 21 sites for radio channels and 16 for television countrywide. The 21 radio sites are functional save for the Victoria Falls station which was destroyed by a storm and was yet to be constructed when the company appeared before the Committee last year. In terms of signal distribution, the company depends on Tel One lines and Tel One was said to be having its own challenges in maintaining its infrastructure. The company runs four radio channels on each site namely, Radio Zimbabwe, Sport FM, Power FM and National FM. It has installed 11 new transmitters for Radio Zimbabwe and some of the sites that benefited are Bulawayo, Mutorashanga, Chivhu, Masvingo, Rutenga and Kamativi. The company currently has ZBC as its sole radio and television transmission client and as such was facing serious funding constraints.

In addition to radio and television signal distribution, the Company provides last mile internet connectivity between internet service providers and their clients. This is currently offered in Harare and Bulawayo and plans are underway to roll it out to other areas once funding becomes available. Most of its revenue therefore, comes from the broadband activities. Profits generated from the broadband activities are ploughed back into the business for the refurbishment of the transmission network and the expansion of the broadband platform. During a presentation to the Committee, Transmedia indicated that it had managed to purchase one transmitter every month over the past 12 months and as such, had replaced transmitters on 11 out of the 21 sites for the Radio Zimbabwe channel.

### 5.3 Challenges

The company expressed concern that coverage for both FM and TV has shrunk to critical levels due to the ageing infrastructure. Apparently, there is no funding to replace transmission equipment which has outlived its life span. The International Telecommunications Union has set 2015 as the latest date to switch over to digital TV transmission. The current sole radio and television transmission customer ZBH is failing to pay for transmission services citing resource constraints. At the time of a meeting with the Committee in August last year no payment had been made since January 2009 and even well before dollarisation. The company's main sources of revenue are namely: transmission income, broadband income, mast rentals (Econet, NetOne, Telecel, Kingdom Bank and others), and satellite uplink services.

In terms of transmission, the company indicated to the Committee that the existing infrastructure has the capacity to achieve 80% geographical area coverage. The new sites would then expand the network coverage to near 100% and some pockets of shadow areas would require low power level transmitters to be installed as gap fillers to achieve 100% coverage.The company indicated that it had the capacity and expertise to service other broadcasters.

ZBC expressed concern on the performance of the transmission network with TV coverage estimated to be less than 30% and radio less than 45%. Meanwhile ZBC complained that it was paying ZESA bills for powering of transmitters, Tel One bills for carrying the signal as wells as transmission fees to Transmedia. ZBC felt that it was unjustifiable to pay commercial rates to Transmedia in view of the unsatisfactory services being rendered by Transmedia.

## 6. Operations of Zimpapers

### 6.1 An Overview of the Organisation

The Committee toured Zimpapers Head Office at Herald House and The Chronicle Newspaper in Bulawayo. During the tour at Herald House, the Committee was informed that Zimpapers is a private company listed on the Zimbabwe Stock Exchange. Government is the majority shareholder with 51% shares followed by Old Mutual which has 11%. It therefore, does not receive funding from government. Zimpapers is run by a board of directors which is answerable to the Minister of Media, Information and Publicity. The Company comprised of two Divisions which are the Newspapers Division and the Commercial Printing Division. The Newspaper Division has three branches in Harare, Bulawayo and Mutare and publishes seven newspapers, three magazines and one regional newspaper under a joint venture. The titles of the newspapers are: The Herald, The Manica Post, Chronicle, Sunday News, The Sunday Mail, Kwayedza and Umthunywa. It recently launched H-Metro whose circulation is limited in Harare. The Southern Times is the regional paper. The three magazines are New Farmer, Trends and Zimbabwean Travel. The Commercial Printing Division comprised of three branches namely; Natprint which is responsible for packaging, bookwork, label work and web press; Typocrafters which offers security stationery, continuous stationery and letter press litho; and BoldAds which produces telephone directories, diaries, calendars, bridal magazines and origination services.

While Management at the Head Office in Harare indicated to the Committee that they were doing quite well in newspaper circulation and advertisements, The Chronicle Newspaper in Bulawayo had a different story. In terms of performance, it has not been doing well and since 2008 it has been struggling to make ends meet. It registered a loss at the end of 2009.

In 2010 it started on a loss, as the operational costs are more than the revenue being realized from such operations. Business in that part of the country was considered very low as most companies have closed shop and those that have remained open are operating at 20% capacity. Companies since 2008 have cut on advertisement and since then the paper is relying on circulation for its revenue which is an abnormal situation in the newspaper industry. There is generally low disposable income in the economy and most people view newspapers as a luxury. The circulation coverage is the Southern part of the country and people in Matebeleland rural do not have disposable incomes. The public during a public hearing expressed concern that there is biased reporting by the Paper and as such they no longer buy the newspapers. The Management at The Chronicles in agreement with the sentiments by the public indicated to the Committee that the Paper was suffering perception problems.

### 6.2 State of the Equipment

At the Head Office at Herald House, the Committee was informed that the company's equipment was supplied by a British company in 1999 and is the latest technology in terms of printing equipment. It keeps in dialogue with the company for `any technological updates in relation to the equipment. It runs up to 100 000 copies of a newspaper within a short space of time. This was in stark contrast to what the Committee found at The Chronicle Newspaper.

### 6.3 Challenges Faced by Zimpapers

Of the three magazines run by the Newspaper Division in Harare, two of them namely; the New Farmer and Trends are no longer in circulation due to viability challenges. The major challenge is newsprint which has to be imported following the closure of Mutare Border Mills. The Chronicle Newspaper was incurring a lot of expenses in importation of raw materials such as film plates and newsprint as well as deliveries as it sources operational items through third parties willing to give credit terms due to cash flow problems. The Newspaper also pays duty for newsprint yet newspapers coming into the country are exempted from paying duty. The greatest challenge facing the Newspaper is very obsolete equipment which is gobbling the paper considerable amounts in huge maintenance costs and repairs. The technology is now old and some of the spares are no longer available on the market. Due to the ageing equipment the paper at times hits the street as late as 1300 hours. The software being used by the Newspaper, Atex supplied by a UK- Based company is now outdated and the Paper is failing to update it due to a huge debt which has accumulated over the years and currently stands at BP 961 000. This is also the case with Goss printing Press which has not been upgraded due to arrears currently around BP12 000. The aging vehicle fleet was blamed for consuming most of the revenue in maintenance and repairs. Computers which were described as having their rightful place at the Museum were still using Windows 95. The Chronicles has two working cameras for the three papers. Technical and production departments are understaffed and as a result they knock off around 2300 hours. In 2005, there were six reporters and currently there is one and the rest are students.

### 6.4 Staffing Issues

Workers at the Head Office in Harare expressed concern on limited number of vehicles to take reporters to different areas to collect news and as a result certain influential people such as Members of Parliament end up providing transport to reporters and objective reporting is likely to be compromised. They complained that salaries were not linked to educational qualifications and experience. As a result, there is no motivation as salaries are uniform across various divisions regardless of their financial performance. At The Chronicles, workers expressed concern on lack of genuine consultations by Management on salary matters. For instance, Management applies for exemptions for Salary Agreements reached at the Head Office without consulting workers. As a result workers were getting less than what their counterparts in Zimpapers companies were getting.

## 7. Legislative Reform

During workshops on media law reform, the Committee received representation from the Media fraternity regarding their concerns on the current media legislative landscape. The pieces of legislation that are of concern to the media fraternity are the Access to Information and Protection of Privacy Act, the Broadcasting Services Act, the ZBC Commercialization Act and POSA.

### 7.1 Concerns Raised on AIPPA

#### 7.1.1 Access to Information

Stakeholders in the Media fraternity were concerned that the AIPPA purports to give journalists access to records and information held by government departments and other government bodies when in reality there are a lot of restrictions. Section 14 stipulates that advice or recommendations to the President, Ministers, and public bodies as classified information. Stakeholders felt that recommendations to Ministers should be made public as these allow follow up on matters that affect the public. Section 17 (1) restricts certain information on grounds that it is regarded as prejudicial to the interest of the country. This definition of information was regarded as too wide as any information can be withheld under the guise of being regarded as prejudicial to the interest of the country. Section 18 restricts information whose disclosure may affect relations between the government and local authorities. For instance information relating to appointment of councilors is of interest to the public as they represent the people. Restricting information on the basis that it affects planning, financial or economic interest of the State or public bodies protect information on mismanagement or fraud in parastatals and in a way curtails accountability by public officials. This also curtails the Media's watchdog function to expose corruption in the interest of the public.

Procedures for disclosure were viewed as unnecessarily cumbersome as they give the giver of information 60 days to respond to the information request and can as well seek an extension from the Authorities at the expiry of the 60 days. News is a perishable product and as such the period prescribed in the Act for one to access information was in actual fact a denial of access to information.

#### 7.1.2 Control of the Media

Punitive measures against journalists who are accused of falsehood were considered to be too harsh. For instance a journalist can be jailed for two years (section 80) and the mass media owner for 3 years (section 64). The definition of falsehood is regarded subjective and as such not being very clear. The Editors felt that retraction of the story by the editor, correcting the position and admitting that they lied is more damaging and adequate punishment than sending a journalist to jail. Provisions that provide for disciplinary action, registration and deregistration of journalists and media houses by the Media Council were viewed as unnecessary statutory controls as the trend the world over is towards self-regulation.

### 7.2 Broadcasting Services Act

### 7.2.1 Broadcasting Authority of Zimbabwe

While the Broadcasting Services Amendment of 2007 states that BAZ is no longer subject to directives from the Minister in the performance of its duties, stakeholders in the media disputed the purported independence on the premise that the President has powers to appoint a BAZ Board of his or her choice as the Act only requires him to consult with the Minister and the Standing Rules and Orders Committee but not to obtain their consent. The other concern was that the nomination and appointment process is not subject to any public involvement or input.

### 7.2.2 Licensing

It was felt that licensing of broadcasting services by a state controlled BAZ was incompatible with international standards, particularly Article V (2) of the Declaration of Principles on Freedom of Expression which stipulates that an independent regulatory body be put in place for issuing of broadcasting licenses and for ensuring observance of license conditions. The current monopoly being enjoyed by ZBC was regarded as incompatible with the right to freedom and expression as Article V obliges the State to encourage a diverse, independent private broadcasting sector. Mandatory local content quotas for broadcasting prescribed by the Sixth Schedule of BSA of 2001 were regarded as unrealistic. The other concern was that those quotas were fixed without public debate or participation of stakeholders to assess their viability. This was echoed by ZBH management which complained that independent producers were allocated 40% but the highest they have gone in terms of supplying programmes was 10%. ZBC pointed out that a decision was made without considering the fact that the cultural production industry was still at its infancy stage and struggling to survive. This has resulted in poor quality and choice of programmes.

## 7.3 Zimbabwe Broadcasting Corporation (Commercialization) Act

### 7.3.1 State Controlled as Opposed to a Public Broadcaster.

There were concerns that ZBC was wholly controlled by the Minister of Media, Information and Publicity who appoints the board and issues directives to the board and management. It was highly regarded as a state controlled broadcaster serving the interest of the state than those of the public. In terms of the Act the State is the sole shareholder in both ZBC and a sister signal carrier company, Transmedia. Section three of the Act gives both companies a clear mandate to give priority to serving the needs of the state. This, it was argued compromises the editorial independence of the broadcaster. This was contrary to Article VI of the Declaration of Principles on Freedom of Expression which stipulates that states and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than government.

## 8.0 OBSERVATIONS:

### 8.1. THE BROADCASTING AUTHORITY OF ZIMBABWE (BAZ)

**8.1.1** That BAZ has currently no capacity to fulfil its mandate due to lack of critical staff. The Authority was failing to retain critical technical staff due to uncompetitive remuneration.

**8.1.2** That there is a yawning gap in respect of community radio broadcasting and this need to be addressed as a matter of urgency. Despite the fact that the frequency has a capacity for 56 community radio stations and 28 commercial radio stations, the Authority has not been able to license a single player.

### 8.2 RECOMMENDATIONS

**8.2.1** The Ministry of Media, Information and Publicity should review the licensing criteria to facilitate entrance of new broadcasters.

**8.2.2** The Ministry of Media, Information and Publicity should reduce the 40% quota for independent producers to reasonable levels taking into account the current capacity while in the long run set a fund to develop the capacity of independent producers.

**8.2.3** There is need for urgent consideration of licensing players who are interested and ready to establish community radio stations.

## 9.0 THE ZIMBABWE BROADCASTING CORPORATION (ZBC)

### 9.1 OBSERVATIONS

**9.1.1** That it was within the interests of the public and regional efforts to standardize media laws and in particular laws regulating public broadcasters in line with guidelines stipulated in regional instruments.

**9.1.2** That there is acute shortage of production equipment and vehicles for news gathering. Most of the equipment is outdated and no longer compatible with modern technology.

**9.1.3** That Montrose studios is grossly under equipped and most of the equipment is not functional due to either non availability of spares on the market or it is now obsolete.

**9.1.4** That there is a wide gap between rural and outlying areas on one hand and urban areas on the other hand with regards to accessing information through the public broadcaster due to lack of transmission coverage in the former areas.

**9.1.5** That the public in Bulawayo felt that ZBC programmes were biased towards the northern parts of the country and there are very few programmes from the southern parts of the country.

**9.1.6** That there is a disparity in levels of operations of the broadcaster around the country.

**9.1.7** That the editorial policy is viewed by the public as biased.

## 9.2 RECOMMENDATIONS

**9.2.1** The Committee recommends for the standardisation of media laws regulating public broadcasters in line with guidelines stipulated in regional instruments.

**9.2.2** The Committee recommends government to support massive investment required in the national transmission infrastructure to achieve 100% coverage for both radio and television which is currently 45% and 30% respectively.

**9.2.3** Licensing community radio stations is long overdue and should be speeded up.

**9.2.4** The Committee is of the view that bilateral agreements should be done in consultation with recipient institutions. Management of ZBC should be consulted and involved in bilateral agreements to ensure maximum benefits in such arrangements.

**9.2.5** Transmedia requires capital injection if it is to fulfil its statutory mandate. Government should prioritise capitalization of the public company through loans.

**9.2.6** Government should pay for coverage of national events by ZBC since the broadcaster is not receiving financial support from government to sustain its operations.

**9.2.7** The Committee recommends the broadcaster to adopt a one licence for radio and television per premise as opposed to a license per each receiver.

**9.2.8** There is need to standardise operational practices in all studios of broadcast across the country.

**9.2.9** There is need to transform ZBC from state to public broadcaster with fiscus support.

**9.2.10** The Committee recommends that editorial policy needs to be reviewed to remove the perceived propaganda bias that the public were critical of at the public hearing.

## 10.0 OPERATIONS OF ZIMPAPERS

## 10.1 OBSERVATIONS

**10.1.1** That the editorial policy is viewed by the public as biased

**10.1.2** That Chronicle is heavily undercapitalized and most of the equipment is now obsolete.

**10.1.3** That there are disparities in terms of salaries for staff in different regions.

**10.1.4** That newspapers published outside the country are not being taxed and they compete with local newspapers which pay taxes. Local media houses are also required to pay duty for ink and newsprint.

## 10.2 RECOMMENDATIONS

**10.2.1** The Committee recommends that editorial policy needs to be reviewed to remove the perceived propaganda bias that the public were critical of at the public hearing

**10.2.2** The Chronicle should be capitalized to buy new and state of the art equipment, which is compliant with technology currently prevailing in the printing industry.

**10.2.3** The Committee recommends that remuneration for staff should be based on a transparent job evaluation exercise not geographical location.

**10.2.4** Government should either exempt local media houses from paying duty for ink and newsprints or that newspapers published outside the country should be taxed.

## 11.0 LEGISLATIVE REFORM

### 11.1 RECOMMENDATIONS

**11.1.1** Government should review the Broadcasting and Media legislation in line with the provisions of the GPA that infringes on the journalist profession.

**11.1.2** ZMC should be capitalised for it to create the Media Council to handle complaints from the press and the public as required by law.

**11.1.3** That government should review the independent producer's quota in consultation with the stakeholders and the public.

**11.1.4** That an independent media diversity body should be created by an Act of Parliament, specifically allocated money to promote the development of media houses.

**11.1.5** ZBC should be transformed from a state to a public broadcaster in compliance with regional instruments.

## 12.0 CONCLUSION

Media plays a crucial role in any developing society in terms of informing the general public on the policies of government. It is therefore critical that the media industry be promoted through a legislative framework that allows for freedom of expression which is one of the rights that is contained in the Zimbabwean Constitution. The Committee feels that the spirit of the GPA should be sustainable by a society that has media diversity both in print and broadcasting sectors. While positive developments have been realised in the print media sector where a considerable number of private newspapers were licensed, a lot is still being desired in the broadcasting sector.Government should seriously fund media constitutional bodies to carry out their mandates effectively.