

International Conference on Media Support Strategies for Zimbabwe

Johannesburg, November 28-30, 2005

International Media Support (IMS),
the Netherlands Institute for Southern Africa (NiZA), Media Institute for Southern Africa (MISA) and the
Open Society Institute

BACKGROUND DOCUMENT

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Questions of strategy

The following questions arise from the background papers with regards the kind of strategies that are needed to address the current problems facing free expression and access to information in Zimbabwe. These questions are designed to guide the discussions at the conference:

Structural reform of media

- To what extent do existing constitutional reform initiatives reflect the provisions of the African Commission's Declaration on Free Expression and other international instruments with regards free expression and access to information?
- To what extent do these initiatives and instruments reflect the aspirations of the majority of Zimbabweans?
- How can free expression advocates promote broad-based support for free expression and access to information?
- How should free expression advocates engage with the efforts of the NCA and / or other initiatives so as to ensure that Zimbabwe has a progressive constitution, with adequate safeguards of free expression and access to information, in the future?
- What steps can be taken to promote media law reform in line with a progressive constitution?
- What other steps, such as litigation or the presentation of cases to the African commission, can be taken in the meantime, and would these be worthwhile?
- Could litigation and other supportive actions challenge the climate of fear that prevents most citizens enjoying their right to free expression in Zimbabwe?
- What role can mass media play in ensuring that the majority of Zimbabweans are knowledgeable of their rights, and the laws that affect them?
- To what extent are litigation, legal defence, the lobbying of parliamentarians and other politicians, and the revival of an independent media council worthwhile strategies for promoting free expression and access to information?
- How can efforts to promote constitutional and legal reform compliment the development of a more progressive communications culture, and vice versa?

Developing and more democratic communications culture

- Should media be advocates or purely objective news gatherers given the current situation in Zimbabwe? To what extent is there scope for being both? What steps could the Zimbabwean media take to go beyond simply providing an alternative to government propaganda, and providing more diverse and balanced information?
- How can mass media make more effective use of social structures in order to better access the localised spheres of the home, church, workplace and community?
- How can media collaborate with those with access to these networks and spheres in order to promote more effective dialogue and communication?
- How can media become more tuned in to social networks both inside and outside the country while also maintaining their professionalism?
- How can mass media develop its content to make it more relevant to the information needs of those outside the urban areas?
- How can media improve the quality and depth of their journalism, particularly with regards covering issues that may appeal to a wider audience? How can journalists report on issues differently in a way that brings these issues alive?
- How can media in the Diaspora be held accountable to their audiences when they are not bound to independently administered codes of conduct or broadcasting licenses?

Promoting joined-up media

- Do Zimbabwean media workers inside and outside the country have a shared vision and objectives for the promotion of free expression and access to information. In which case, what are these vision and objectives?

- How might these visions and objectives shape a more collective and co-ordinated approach to promoting the free flow of diverse and accurate information to Zimbabweans living inside and outside the country? In particular, what opportunities are there for collaboration between media inside and outside the country?
- What approaches could be taken to developing a cadre of professional media workers for the future when media does become free in Zimbabwe? What approaches to training and education work, what approaches do not work?
- How could media in the Diaspora mobilise public opinion in their host countries around the Zimbabwean issue while maintaining their professionalism?
- What mechanisms can be put in place to further support privately owned, commercial media in their role of promoting free expression and access to information in such a harsh business environment? Should such media receive donor subsidies? What other alternatives might there be?
- What should be the role of media support organisations, and how can they play this role most effectively?

Money matters

- How can funding available for promoting free expression and access to information be applied more effectively?
- Should efforts be made to mainstream free expression and access to information within other development areas, and if so, how could this be done?
- To what extent are donors prepared to collaborate with, and buy into collective strategies for promoting free expression and access to information in Zimbabwe?
- To what extent are donors' Zimbabwean partners prepared to collaborate with and buy into collective strategies for promoting free expression and access to information in Zimbabwe?
- What other sources of funding, other than donor aid, can be tapped to support the promotion of free expression and access to information in Zimbabwe?
- What alternative mechanisms exist for channelling funding into Zimbabwe, and how may these be applied.

CRISIS? WHAT CRISIS?

Free expression and access to information in Zimbabwe

By David Lush and Professor Tawana Kupe

Rarely are the words “Zimbabwe” and “crisis” found apart these days. Zimbabwe has become the epitome of a crisis. Responses to crises tend to be short-term and reactive. With further food shortages looming, the current humanitarian crisis in Zimbabwe is likely to continue. Likewise the economy lurches from crisis to crisis in apparent free-fall. Meanwhile, Zimbabwe's political crisis has all but come full circle, the current implosion of the opposition Movement for Democratic Change (MDC) being the last act of a doomed transition of power that started back in the late 1990s.

However, there is no such crisis when it comes to freedom of expression and access to information. Rather, the enactment of repressive legislation, the harassment of media workers, and the frustration and closure of private media enterprises that have accompanied the other crises are part of a continuum dating back to colonial times, if not before. Successive governments have continued a tradition of intolerance of diverse expression and suppression of information using laws that date back to colonial times. Although resembling a crisis, the current exodus of Zimbabwe's media professionals from the country, the State's continued monopoly of the broadcasting sector, and the cannibalisation of private newspapers by the ruling elite is but another chapter in a sorry story that has required long term solutions for a desperately long time. With little hope left in the foreseeable future for resuscitating the limited form of media freedom known to Zimbabweans during the 1990s, the time has come to take stock, rethink and plan anew.

Structural overhaul

Although standard at the time it was drafted in 1980, Zimbabwe's constitutional guarantee of free expression (Article 20 of the Constitution) is an artefact of a by-gone era. Constitutions elsewhere in Africa are being reformed explicitly to guarantee free expression, media freedom and access to information. The contemporary benchmark for constitutional guarantees of free expression and access to information is set in the 2003 Declaration of Principles on Free Expression by the African Commission on Human and People's Rights (see Appendix A). The Declaration seeks to define in more depth the guarantee of free expression contained in the African Charter on Human and People's Rights (Article 9), and can be used in judgement of cases brought before the Commission and – once formed – the African Court on Human and Peoples' Rights. Zimbabwe has signed the Declaration, and Andrew Chigovera, Zimbabwe's government appointed human rights commissioner, was actively involved in the drafting and subsequent adoption of the Declaration by the Commission.

Zimbabwe's current constitutional guarantee of free expression has provided some defence, notably when cell phone provider Econet won the right in 1997 to operate on the grounds that the limitation of telecommunications operators was contrary to the right of citizens to express themselves freely. In 2000, the government's monopoly on broadcasting was ruled unconstitutional in a case brought by aspirant private broadcaster Capital Radio. It required all of Econet's corporate muscle and the dogged persistence of the company's owner Strive Masiyiwa to overcome the government's attempts to block the licensing of Econet following the constitutional ruling. Capital Radio was not so lucky, and was hounded off air.

These cases were fought by people with commercial interests in media and communications. There have been few attempts to defend and uphold the right to free expression of less influential and powerful citizens. There is awareness of, and longing for the rights of free expression and access to information among less influential people, but the majority of Zimbabweans appear to lack knowledge about the laws that affect these rights (ACPD and MISA 2004. See also 'Community views on communication' elsewhere in this document). Not surprisingly, in the current climate of fear and intimidation, few people are able exercise their rights. But what encouragement – through legal action and support by those with more power and influence, such as the media – have they been given?

The Constitution – or at least the court's interpretation of it – has proved less robust in challenges to the constitutionality of sections of the Access to Information and Protection of Privacy Act (AIPPA) and the 2002 Public Order and Security (POSA) Act (see 'Media laws in Zimbabwe' elsewhere in this document). Furthermore, the Constitution did little to rid the statute books of repressive legislation inherited by the ZANU-PF government from its colonial predecessors at independence. These

antiquated laws – the Official Secrets Act, Parliamentary Privileges and Immunities Act and POSA's forerunner the Law and Order (Maintenance Act) among them - were used to criminalise free expression during the first two decades of independence (Amnesty International 1995, MISA 1994-2004). AIPPA and POSA are but additions to an armoury of repressive legislation in force at independence, and systematically abused by governments ever since. When these laws were ruled unconstitutional, as was the case with the Law and Order (Maintenance Act) in 1994, the government reintroduced much of the old law in the guise of new legislation, as was the case with POSA.

Zimbabwe has the dubious distinction of enjoying a continuous tradition of developing, implementing and perfecting legislation that restricts and seeks to close down the democratic space, while the trend elsewhere has been to do the opposite. Such a context has had and continues to have a damaging effect on the media, and breeds journalistic practices that have polarised the media industry. An overhaul of the Constitution is a pre-requisite for any meaningful advancement of free expression and access to information. Even when the current constitutional guarantee of free expression is adequate, political bias within the judiciary makes its interpretation a lottery, and therefore constitutional guarantees of the independence of the judiciary, as well as public media institutions and regulators, are also a pre-requisite for guaranteeing free expression and access to information. Such institutional independence is defined in the African Commission's Declaration of Principles on Free Expression.

Constitutional reform in Zimbabwe has been spearheaded by the National Constitutional Assembly (NCA), and is based on the rejection, in the 2000 referendum, of the government's amended constitution. This popular rejection pointed to the need for a more broad based participatory approach to constitutional reform. However, the NCA also needs to be aware that the government driven approach was unsuccessful, in part, because the final draft ignored the inputs of the public, and not necessarily because the government's draft was totally flawed. Some of the views gathered by the discredited government-driven process could be used as a basis to take the process forward through a new broad based participatory politics. The NCA faces a test of its own credibility in trying to convince all major political forces, including the MDC, to prioritise constitutional reform over electoral contests. It is interesting to note that the MDC President Morgan Tsvangari is talking about reviving the constitutional reform process as his party falls apart, and the time may be ripe to revive a broad based approach to constitutional reform.

Meanwhile, the Media Monitoring Project Zimbabwe (MMPZ) co-ordinates the Public Information Rights Forum, an alliance of civic media editors and information officers in the Civic Alliance for Social and Economic Progress (CASEP). The Forum seeks to represent media consumers, and carries out civic education work on public information rights issues. This may provide another launch pad for a much broader-based campaign around freedom of expression and access to information.

Continued efforts could be made to challenge existing undemocratic laws through the African Commission, as a way of illustrating that these laws do not conform to African values. And although the likes of AIPPA and POSA are extremely restrictive, there remains scope for working within them, and challenging their abuse through the Zimbabwean courts. Even the politically appointed Supreme Court, when interpreting a weak constitution, ruled that the "false news" provision of AIPPA was unconstitutional. On at least four occasions in recent years, Magistrate courts have ruled in favour of media workers charged under AIPPA. The Zimbabwean and Independent newspapers continue to be registered by the MIC, despite being editorially critical towards the government. So, in a similar vein, the Weekly Times might have been licensed if it was up-front about its intentions to report on politics. Associated Newspapers of Zimbabwe (ANZ), the publishers of the Daily and Sunday News, first chose not to register, giving the MIC an excuse to challenge their subsequent registration bid. Notifying the authorities of a change in shareholding, failure to do which allowed the MIC to deregister the Tribune, is standard practice under company law. Yes, the laws are restrictive, and keeping within them, looking at creative ways around them, and challenging their abuse, is hard, time-consuming, costly and sometimes dangerous work. But it is doable, as media in similarly restrictive environments have shown. MISA has in place its media defence fund and a network of media lawyers to assist. As a way of challenging the fear that underpins the culture of silence that pervades Zimbabwean society, greater efforts could be made to assist those with less of a commercial, and more of a public interest in free expression to both understand and uphold their right to free expression. In this way, free expression advocates might be able to foster real public interest in free expression and access to information issues, public opinion arguably being the strongest defence of all.

Guns and microphones

Zimbabwe's liberation struggle witnessed an intense propaganda war with both the oppressor and the oppressed using mass media to enhance their military campaigns (see Frederikse 1983 for a detailed account). It was here that the liberation movements ZANU-PF and ZAPU developed an understanding of, and perhaps an appetite for the means of controlling the dissemination of information:

"We beat the regimes media campaign largely because their literature could not be effectively circulated throughout the rural areas. They were unable to distribute their propaganda on a personal basis, whereas ours was being delivered door-to-door (by supporters and combatants)" – Edison Zvobgo, then Deputy Secretary of Publicity and Information, ZANU-PF (Frederikse 1983, p113)

The liberation movements' use of media was prompted by the white minority regime's own propaganda efforts, particularly following the declaration of unilateral independence in 1965. The regime started by jamming the BBC broadcasts from a transmitter in neighbouring Botswana using a 400 000 watt American-made transmitter – an ironic twist to the current government's reported use of Chinese-made equipment to jam the short-wave broadcasts of the London-based SWAfrica radio, and Voice of the People (VoP). The Rhodesian Broadcasting Corporation (RBC) then established inside the country "African" radio stations broadcasting on FM, and subsidised the manufacture and distribution of cheap FM-only radio sets (Ibid p96). There was little difference between the RBC's approach to broadcasting, and that of the Zimbabwe Broadcasting Corporation after independence. At independence, the RBC changed its name to the ZBC, and the political appointees of the RBC were simply replaced by appointees of the new ZANU-PF regime (Maja-Pearce 1995:124-6). The ZBC was governed by the same legislation as the RBC up until 2001. The RBC was a state broadcaster par excellence - state driven and propagandistic. The ZBC has never been a genuine public broadcaster and, as the political and economic crisis deepened in the late 1990s, so its role as a state propaganda tool became more and more unashamed. To the extent that opposition and civil society voices are either completely excluded, or so selectively quoted out of context that broadcasts have little resemblance to reality, as was the case with the RBC. The ZBC has sought to promote national culture and languages through locally produced programming, as a genuine public broadcaster is required to do. But this is done in ways that advances the government and ruling party's political agenda, as did the RBC's African programming.

Therefore the culture of propaganda the polarisation of information is deeply ingrained in Zimbabwean mass communication culture. So too, it seems, is the combative role of media. The MMPZ's report on the media coverage of the 2000 General Election has the ominous title of *The Media War*, and the language used in the Zimbabwean media – not to mention the MMPZ's own reports - is often bellicose. More often than not, it simply echoes and amplifies – rather than challenges or contextualises – the actual and rhetorical violence of Zimbabwean politics. The divergent viewpoints of the Zimbabwean media, and the polarisation of media workers into pro and anti-government factions, further suggest the media has failed to evolve much from the pre-independence era.

Mass communication desperately needs a change in culture. Findings of the ACPD / MISA research suggest that the culture of communication in general can be addressed at four levels – within the home, within the church sphere, at the workplace, and within the community (ACPD/MISA 2004: 81-2). For media to contribute to this process, and to provide citizens with information on which to make informed choices, mass media presumably needs to access these four spheres. The focus of media content also needs to change if it is to address the information needs of the population as a whole. At present, much of the Zimbabwean media is unrepresentative of all but urban men. The views of women, for example, are "grossly under-represented" in the Zimbabwean media, no doubt because women are also under-represented within the ranks of media workers (MISA / Gender Links: 2003). This lack of representation of women, who constitute 52 per cent of the population, not to mention marginalised minorities, is a sure sign that the media lacks democratic credentials, not just in terms of content, but probably structure and practice too. A more democratic media culture may evolve if media were able to tap into the expression of all citizens within the spheres of the home, church, workplace and community, and thereby challenge and contextualise the polarised and often violent political discourse that dominates media coverage to date. In other words, media workers could do more to get with and represent "the people", and thereby earn their trust.

Precedents for this do exist within Zimbabwe. The ZBC's radio listener clubs made a concerted effort to promote a two-way dialogue between leaders and citizens at a national level, while the ACPD has promoted dialogue at a more local level (see 'Community views of communication' elsewhere in this document). MISA-Zimbabwe is trying to forge community media initiatives, while Radio Dialogue has endeavoured to put the community media concept into practice in and around Bulawayo. In neighbouring South Africa, there is a burgeoning community radio movement, while strides have been made in making video a much more accessible medium by way of facilitated group screenings that promote understanding through discussion¹. Methods

¹ Pioneering work in this field has been done using the *Steps for the Future* HIV/AIDS documentary series (www.steps.co.za).

that combine child-centred learning and participatory media production to promote dialogue between children and adults have also been developed in pilot projects in Namibia and South Africa².

There is a tendency to treat such “community” media initiatives as separate from, or “alternative” to “mainstream” media, largely because they are considered “unprofessional”. Such an argument is taken to an extreme by the Zimbabwean government, which believes that the only people who can practice free expression through mass media are those with certain professional qualifications. Thus, the accreditation of journalists by the MIC excludes the vast majority of people from expressing themselves through mass media, as they do not have the necessary professional qualifications. If free expression and access to information are indeed essential to development, not to mention democracy, surely media should be inclusive of those with fewest qualifications, as presumably these are the people whose lives are in greatest need of upliftment?

To varying degrees, the emphasis of the “community” initiatives mentioned above is on two-way communication, something that requires a paradigm shift within conventional approaches to mass communication – both mainstream and developmental – that are intrinsically top-down. However, any attempt to promote dialogue (as opposed to the one-way flow of information) will remain hamstrung by the kind of structural problems outlined earlier. Therefore, changing the culture of mass communication in Zimbabwe is likely to go hand in hand with constitutional and legislative reform.

Inside out

Two and a half decades after Zimbabwe's independence, we find the cream of the country's journalists in economic and political exile, and media embroiled in a raging propaganda war that has left mass communication bereft of diversity and freedom. Again, this is indicative not of a crisis, but rather a status quo that has been maintained and, in many respects, enhanced over many decades.

Media inside Zimbabwe

With the exception of several popular current affairs magazines, the government had a de-facto monopoly over the mass media throughout much of the first decade of independence. This was guaranteed through the state's majority shareholding in the Zimbabwe Mass Media Trust stable of newspapers, which the state – together with minority private investors such as insurance company Old Mutual - continues to control to this day, as well as its control of the ZBC (see ‘Media ownership’ elsewhere in this document). Subsequently, a number of privately owned newspapers were launched, starting with the *Financial Gazette* in 1989. But most were up-market publications appealing to urban-based decision makers. An exception was the *Daily News*, which, following its launch in 1999, managed to become a mass circulation newspaper, albeit largely within urban areas. However, the *Daily News* and its sister paper the *Sunday News* fell foul of registration regulations introduced in 2002 through AIPPA, and was forced to close (see ‘Media laws’ elsewhere in this document). Two other newspapers, the *Tribune* and the *Weekly Times*, suffered a similar fate. Meanwhile, news reports suggest that the government's Central Intelligence Organisation and others with close ties to the ruling ZANU-PF government have bought into two other privately owned newspapers, the *Mirror* and the *Financial Gazette*. Some see this as a move by media-savvy factions within the ruling party to position themselves for the battle to succeed President Mugabe, a battle in which the newspapers will be used to woo the hearts and minds of the political elite (Mutasah 2005). This leaves the Independent and Standard national newspapers, as well as a number of local and provincial newspapers, as the only private media with no apparent vested political interest.

The privately owned press struggles to make ends meet in the current harsh economic and political climate (see ‘Media business environment’ elsewhere in this document), thereby hampering its role in promoting free expression and access to information. The industry desperately needs investment in order to survive. Rocketing interest rates make Zimbabwean banks a non-starter as far as loans are concerned, while the volatile environment, and the legal restrictions on foreign investment in media, make overseas investors balk at putting their money into the Zimbabwean media. Even the Southern African Media Development Fund (SAMDEF) and the Media Development Loan Fund, which tailor loans and other financial services to the developing media industry, are wary of assisting the Zimbabwean media at present. Although, a few years ago, SAMDEF did investigate setting up an alternative supply of newsprint – one of the commodities desperately needed by the print sector – and may have some experiences to share. Those most likely to invest their money in media at the moment are speculators with political aspirations.

² Ibis has just completed a pilot project *Children's Voices* in Namibia, in which rural primary school children use domestic video cameras to promote dialogue with adults around issues of importance to them. The Children's Institute has piloted a similar project using radio in South Africa's KwaZulu Natal province.

Donor subsidy appears to be the only foreseeable alternative. This may keep private newspapers alive and unadulterated, but runs the risk of distorting the business environment still further by introducing non-market related forces.

In many African countries, widespread illiteracy makes print a relatively exclusive medium. However, Zimbabwe has relatively high rates of literacy, thanks to the effective education policies of the ZANU-PF government during the 1980s and 90s. These rates of literacy are beginning to wane, but print media remains potentially a powerful medium as a result of the still significantly high number of Zimbabwean who can read and write. Nonetheless, broadcasting remains the most accessible medium in Zimbabwe given the reach of the country's transmitter networks. And not surprisingly, broadcasting has remained the jewel in the crown of the government's media monopoly. In 1993, President Mugabe vowed to maintain that monopoly in Zimbabwe, despite the trend elsewhere in the continent to open up the airways (Maja-Pearce 1995: 123). "You don't know what propaganda a non-state radio station might broadcast," Mugabe reportedly said, adding that it was necessary to protect broadcasting from "subversive and sometimes irresponsible" journalism (Mugabe quoted in *Ibid*). The fact that Mugabe has, effectively, kept his word is, if nothing else, testimony of his determination to enforce his beliefs, contrary to global trends and the weight of international opinion.

It might also reflect the inability of freedom of expression advocates to campaign effectively against such anachronistic beliefs. In the wake of the Capital Radio case, the 2002 Broadcasting Services Act provided for the licensing of private broadcasters. But not one has yet been licensed by the Broadcasting Authority of Zimbabwe (BAZ). The current environment, enforced by the wording of the legislation, is such that only those with close ties to the ruling regime are likely to broadcast should any licenses be issued. The law, combined with the powers of the state-controlled BAZ, are such that any broadcaster will be under threat of losing their license should they deviate from expression that is deemed acceptable by the government and ruling party. Similarly, the government appointed Media and Information Commission (MIC) has the power to deregister print media and journalists (see 'The Working Environment of the Zimbabwean Media' elsewhere in this document). The MIC filled regulatory vacuum created by the inability of the media industry to agree to its own media council and self-regulatory system for upholding standards and a code of ethics. An independent media council was established in the late 1990s, but was not recognised by the State-controlled media, and was rendered a lame duck. Currently, MISA-Zimbabwe, the Zimbabwean Union of Journalists (ZUJ), and the Zimbabwe National Editors Forum (ZINEF) are looking to revive the non-statutory media council.

Although its plight is less prominent, Zimbabwe's once-thriving film and video industry has also been badly affected by the clamp down on free expression and access to information. As with other sectors of the media, some of the country's most experienced film makers are now living and working outside the country. Those who remain inside the country struggle to find work, and tend to steer clear of covering controversial issues for fear of upsetting the authorities. Although the ZBC is committed to screening locally produced programmes, it has little money available for local productions. The country's film school has closed, but the annual Zimbabwe International Film Festival continues to try to keep the flame of film alive, and continues to have an active outreach programme. But this too steers clear of "political" issues. Video footage of Operation *Murambatsvina*³ contributed significantly to the international outcry about the forced removals, but appears not to have been distributed widely inside the country. Video has also been used on a limited basis for documenting human rights abuses. Technological advances that video is now a relatively discrete, inexpensive and accessible medium with all the advantages of combining sound and vision that other media lack. Used creatively and unconventionally, video could provide a valuable means by which to expression and source of information.

There are far fewer Zimbabwean film and video producers than there are print and broadcast journalists, and historically, film makers have struggled even more so than those working in other sectors of the media to organise themselves. The media's vulnerability, owing in part to its lack of unity and common purpose, is further exacerbated by its apparent inability to mobilise broad-based support for its cause. This is despite, or perhaps because Zimbabwe is an incredibly networked society, with a sophisticated array of formal and informal social structures that already serve as conduits for communication that go far beyond the reach of mass media. These networks offer huge potential for information dissemination. Even with so many Zimbabweans now living outside the country, these networks continue to thrive. In a survey of Zimbabweans in the Diaspora, 96% of respondents said they remained in regular social contact with family members, with 49% contacting family members at least once a week (IOM 2005: 8). There are also strong economic ties with family in Zimbabwe, with 74% of respondents sending money back home, 85 % of these saying their main reason for doing so was to support family members (*Ibid*). Such social networks were effective for information dissemination during the liberation struggle, when mass media was off limits to most Zimbabweans (Frederikse 1983). They came into their own once again in 2000, when Zimbabweans defied the government's propaganda

³ "Operation clean up", during which the authorities forcibly removed an estimated 700 000 people from their homes in urban areas on the pretext that the operation was clearing urban areas of unhealthy and living conditions and criminals.

machinery to reject the proposed constitutional reforms. The “no” campaign during the referendum saw the creative use of “informal” media, such as the red card⁴ and SMS text messaging, which thrived on these social networks. Civic activist group *Zvakwana* seeks to continue making use of creative communication to challenge authority, and give people hope (*Zvakwana* 2005). However, *Zvakwana* believes others in civil society appear reluctant to follow suit:

“Many NGOs here have gotten lazy. Instead of engaging in creative outreach, which is a lot of hard work, they have sunk back into very routine methods and often by doing so, they keep on speaking to the converted.”

Media in the Diaspora

The exodus of Zimbabwean journalists has resulted in the mushrooming of media in the Diaspora in a way that is perhaps unprecedented elsewhere in Africa, even during the liberation struggle era. Like their compatriot nurses and teachers, Zimbabwean journalists living overseas are doing their best to ply their trade. Unlike nurses and teachers, there is much less demand for their skills in their host countries, which makes the emergence of media outlets – ably assisted by the Internet – all the more remarkable. This is an upwelling of creativity and expression by people passionate about communicating. During liberation struggles in the past, media and communications in the Diaspora tended to be controlled by, or closely aligned to political movements. But this does not seem to be the case here. Rather, most Zimbabwean media in the Diaspora appear to be stand-alone, privately-owned entities with their own, often individual – as opposed to factional – motives. Yet even impartial observers consider most of these media outlets to be anti-ZANU-PF soapboxes. As far as could be established, this view is more a reflection of the polarisation of the Zimbabwean media everywhere, and the problems journalists in the Diaspora have accessing information from a far, than necessarily the influence of a party political agenda. But it means that much of the media in the Diaspora is simply an alternative to government propaganda, rather than sources of balanced and objective news (Kupe 2005).

Therein lies the dilemma for media based outside the country. The further away you are from the story, the more difficult it is to be objective and in tune with the often complex dynamics of a story unfolding thousands of kilometres away. The fact that media in the Diaspora are considered an important source of news and information for those inside the country adds to the predicament. Distance alone makes it extremely difficult for journalists outside the country to fill the information void created by the state's propaganda machinery and clampdown on private media inside Zimbabwe. They show remarkable resourcefulness in gathering the information they do. Most media in the Diaspora, including the self-funded websites, have correspondents inside the country. These stringers have to produce their stories under cover, as they are unlikely to be accredited to work for media in the Diaspora. This adds to the problem the media have of balancing and verifying news and information.

Not only does the distance leave media in the Diaspora open to telling only part of the story, and thus to being labelled as propagandists. It also leaves them with little room in which to nurture and develop the trust of their audiences, particularly those inside the country. While the web sites and radio stations try to have a dialogue with their audiences through bulletin boards and call back phone-ins, they remain adrift from the regulations and professional bodies that – in an ideal society – would make them accountable to the public they serve. The laws that govern the conduct of the Zimbabwean media are a far from that ideal, and are one of the very reasons that many of the country's media workers are operating from the Diaspora in the first place. However, adherents to the international standards that provide an ethical and legislative framework for free expression and access to information must feel a little uncomfortable that SWAfrica, Studio 7 and Voice of the People (VoP) broadcast to a potentially huge audience without a license or impartial regulator to guide them.

Not that vast numbers of people can listen to these stations in the first place, which is, perhaps for now, a more urgent problem that has to be addressed. Short-wave radio sets seem to be scarce in Zimbabwe, perhaps partly because of the RBC's legacy of FM broadcasting (Frederikse 1983: 97). But just to make sure, the government appears to be jamming SWAfrica and VoP. As a result, SWAfrica has switched to broadcasting on medium wave, but their transmitter only reaches the southern part of Zimbabwe. Studio 7, which broadcasts courtesy of Voice of America, seems still to be getting through, but this is the station that has the greatest friction of distance with regards information gathering. It also has most to contend with in terms of labelling, as it is hosted by the state broadcaster of one of President Mugabe's arch “imperialists”. No doubt it is because of VoA's clout that Studio 7 reaches the parts of Zimbabwe that other, less endowed radio stations struggle to reach. Wherein lies another dilemma:

⁴ Red laminated cards, like those used by football referees to send off a player, were distributed in the run-up to the referendum so that those opposed to the new constitution waved them to show they were voting “no”. This became a simple but effective form of mass protest.

who, other than foreign governments such as the British and Americans, can provide the kind of technology needed to broadcast from such a distance, and in a way that overcomes the Zimbabwean government's jamming apparatus? Neighbouring countries are unlikely to host a private radio station beaming into Zimbabwe unless it was aligned to ZANU-PF, as was the case during the liberation struggle. Web sites are less prone to technical interference, although the Zimbabwean authorities are believed to have surveillance equipment that monitors the Internet. They also have laws that make Internet Service Providers as vulnerable, if not more vulnerable, to government interference than newspapers.

With so much effort and attention being paid to beaming back home, media in the Diaspora run the risk of overlooking an audience much closer to them. Between a fifth and one-third of all Zimbabweans could be living outside the country, if reported estimates are accurate. Most have left Zimbabwe for economic reasons, and are free to return. But there are a significant number of asylum seekers, and others who also fear returning home, particularly among journalists in the Diaspora. The Zimbabwean central bank estimated that there were 1.2 million Zimbabweans living in South Africa alone in 2004 (Associated Press quoted in IOM 2005:10), while South African Home Affairs Minister Aziz Pahad was reported recently as saying there now could be close to two million unregistered Zimbabwean in South Africa (Stemrick 2005). Hundreds of thousands more Zimbabweans are believed to have emigrated to the UK, Botswana, USA, and Canada since 1990 (IOM 2005: 10). While many of the professionals will have access to the various Internet sites carrying news about Zimbabwe, millions of other Zimbabweans living outside the country – particularly those in South Africa and Botswana - do not. Unlike refugee communities elsewhere that live in camps, many Zimbabweans have merged into the fabric of their host countries, where they try to remain as inconspicuous as possible for fear of being deported. And yet their needs for free expression and access to information do not disappear. Rather, cut off from social services and struggling to get by on low incomes, their communication needs increase. Accordingly, there are plans to launch a southern African edition of The Zimbabwean newspaper targeting lower income earning Zimbabweans in the region. There are also moves to explore the launch of a Zimbabwean focused radio station in South Africa's Gauteng province, which has the biggest concentration of Zimbabweans outside Zimbabwe itself. However, new broadcasting licenses in Gauteng only become available after 2007.

Increasingly, media could be a link between Zimbabweans living in the Diaspora and their homeland. The vast majority of Zimbabweans in the Diaspora have some intention of returning home in the future (IOM 2005: 9), and therefore are likely to want to be involved in debates around the future of their country; debates that media in the Diaspora could facilitate. Media workers in the Diaspora are also in a position to raise awareness among citizens of their host countries of the situation in Zimbabwe. Opinion seems divided as to the influence the international community can bring to bear on the current political situation in Zimbabwe. Most governments are looking to South Africa for their lead, which suggests a need for informing public opinion in South Africa and other neighbouring states about the situation in Zimbabwe. Currently, there is a tendency for the South African media to amplify the government line coming from Harare (Crisis Coalition 2005). This is despite a number of Zimbabweans holding senior editorial positions in the South African media. Formal collaboration between Namibia and Zimbabwe's state media makes it likely that a similarly uncritical view is also being conveyed wholesale to Namibian audiences.

Media in the Diaspora are too few and lack the money to employ all Zimbabwean media workers, many of who are unemployed or holding down dead-end jobs (Witchel 2005 : 28). This has prompted more than 40 Zimbabwean journalists in the Diaspora to form an association that aims to: create alliances with European media; develop a database of Zimbabwean journalists in the Diaspora; provide counselling and other support to journalists who have suffered abuse; find placements and training for the journalists and photographers; and provide a platform for the journalists to meet and discuss ideas (Nyaira 2005).

Joined up media

Currently, media inside and outside the country seem to be viewed as separate entities, but are considered primarily to be serving a largely undefined audience inside Zimbabwe. A different approach may be to view these media as a single entity, and rather to disaggregate their audiences more strategically. So, for example, the likes of SWAfrica, Voice of the People, Studio 7 and Radio Dialogue could be the broadcasting unit of this entity. All could work together to produce a broad range of programming that could then be "broadcast" through their respective channels, thus maximising the output as well as the reach of the various initiatives. Similarly, privately owned newspapers inside and outside the country could collaborate on the production of print media stories, with the Independent, Standard and privately owned provincial newspapers concentrating on gathering stories inside the country, while The Zimbabwean gathers news in the Diaspora. These stories could then be pooled, and published in the respective newspapers, with the Zimbabwean focussing on readership in the Diaspora, and the home based press continuing to distribute inside the country. The various web sites could act as the wire service for this entity. While each organisation would retain its editorial and organisational independence, they could pool strategic resources such as money, equipment and

personnel to produce a greater volume and wider diversity of media content for dissemination through their respective distribution channels.

Perhaps then, more thought and effort could be put into overcoming the barriers that prevent existing media from reaching a mass audience. Pooled content could be repackaged for distribution through newsletters, audio and video cassettes, as well as pamphlets. In this way, the content of web sites, radio stations and newspapers could be linked to wider audience. Internet provides a cost effective distribution mechanism for news and information, that could then be converted into appropriate media products at decentralised media production centres that could combine small scale copying and printing with laptop computerised audio and video production. Media could then tap into broad social and civic networks for both distributing information, as well as for gathering news and information. Applying the methods of ACPD and other participatory communication initiatives, together with the experience and expertise of media professionals and also cultural groups, these social and civic networks could then start producing their own media content. This is where, perhaps, video could come into its own, with the use of domestic digital video cameras combined with facilitated communal screenings. Information could then begin flowing in the other direction, providing the raw materials for the kind of content currently lacking from mainstream media; content that represents the perspectives of the millions of Zimbabwean who want to communicate but do not have the means to do so.

Thus could evolve the prototype of a democratic communication system for a new Zimbabwe. Training could be geared towards servicing this system and developing the personnel to run a reformed media and communications industry once the necessary political change within Zimbabwe has come about. Training would not only up-grade the skills of media professionals, but also introduce lay people to media. Teaching media workers to teach others would be one area not currently covered in professional media training. Training could likewise be co-ordinated, ensuring that existing media outlets within the system, both inside and outside the country, can become a training ground for honing the academic and practical skills provided by a network of training institutions. Perhaps in this way, the seeds of a new media culture could be sown and nurtured.

Media support organisations

Media support organisations would have an important role in facilitating such a process. But they should not necessarily be seen as the vanguard of change, as has tended to be case up until now. The transformation of Zimbabwe's media and communication system is too important to be left to media support organisations alone. Media support organisations such as MISA and the Media Monitoring Project (MMPZ) have played a sterling role in not only supporting journalists and the media that are not under state control, but also being part of a global whistle blowing operation that has highlighted the abuses of free expression and access to information within Zimbabwe. However, there also problems associated with this, as the international dimension – particularly when supported by donor money – runs the risk of being caught up in the complexities of global geopolitical struggles, suspicions and conflicts. Governments can be suspicious of donors. Partners can be suspicious of intermediaries. Donors can be suspicious of partners and intermediaries. The current regime in Zimbabwe has cottoned on to this and uses this theme to mobilise its own supporters to think there might be a conspiracy against the Zimbabwean government. Also, the media support organisations are too easily portrayed as being aligned only to the private media, further playing into the government's propaganda. This jeopardises the role media support organisations could play in bridging the gap between media factions and politicians who control the fate of free expression and access to information.

It is critical that other, non-partisan social and cultural organizations representing broader social and cultural interests in Zimbabwe become part and parcel of the effort to push for reforms in the area of free expression and access to information. They will bring greater credibility and critical mass to apply pressure and withstand any attempts to discredit support from local, regional and international media support organisations. By providing a grassroots perspective, such organisations could also neutralise or redirect media support organisations if their agenda appears to be too donor driven, or pandering to outside interests.

Media support organisations such as MISA and the MMPZ face the same dilemma as the NCA in forming a broad based coalition and a participatory approach to advocating for media reform. Such an approach should include creating awareness among community organisations, including the churches, about the importance of free expression and access to information to a larger social and democratic agenda. Journalists and the media themselves need to identify a common agenda for their profession, while at the same time continuing to compete for stories and audiences. In this regard, MISA and MMPZ have to think of new strategies for critically engaging with state media in order to explore subtle ways in which they can become part of the broader struggle.

It is also important and significant that there is now an African Editor's Forum, with its regional structures such as the Southern Africa Editor's Forum (SAEF). This can provide moral, professional and other support to Zimbabwean editors. Such structures could, first and foremost, try to influence other editors to publish more regularly and more analytically for their audiences about the Zimbabwean situation in order to counter the propaganda that the government has been partly successful in spreading. Similarly, international freedom of expression organisations can provide moral, professional and other types of assistance at a global scale, thereby completing a global support structure and campaign around free expression and access to information in Zimbabwe.

Money matters

Freedom of expression in Zimbabwe is at perhaps its lowest ebb, which beggars the question: Has the money invested in promoting free expression and access to information over the years been well spent? Donors may be relieved to know that, generally, the reply was in the affirmative when this question was put during research for this paper. Without the money spent to date, things could be a lot worse, was the overarching reply. However, there is also a realisation that the money is not being spent effectively enough, and that free expression and access to information remain the preserve of the few with access to, and control of media and communications. Privately owned newspapers and radio stations have a crucial role in promoting free expression and access to information, as they reach and represent urban dwellers and decision makers, who need to express themselves and to have access to information as much as anyone else. However, the media landscape needs to be extended and, more importantly, diversified in terms of access, content and control in order for free expression and access to information to be enjoyed universally, and for mass media to fulfil its development potential.

Donor funding for newspapers, radio stations and media support organisations remains essential given the important role these institutions play in disseminating and diversifying information, particularly in harsh environments such as Zimbabwe. However, support for free expression and access to information has tended to be ghettoised in funding for the development of media outlets, and only appeals to a few donor organisations. Surely such support to media outlets is a means to an end, rather than an end in itself? Advancing free expression and access to information should be the objective of all development agencies if these rights are indeed a prerequisite for development and democracy, as our guiding principles have us believe. But few donors seem to buy into this cause, and one of the biggest problems facing the struggle for free expression and access to information is the lack of money available to make it work. John Barrett, head of Britain's Department for International Development (DFID) in Zimbabwe, echoes the view of many donors when he explains that his organisation funds responses to HIV and AIDS and humanitarian aid, but that "DFID is not engaged in support for the media here (Zimbabwe)" (See responses to questionnaire in Appendix C). Barrett seems to consider support for media and the funding of other development issues as two completely different things. Which is not necessarily the case.

Free expression and access to information is as essential the response to HIV and AIDS as it is to the operation of a newspaper or radio station. The trouble is, the mainstream media and thus, by association, the rights to free expression and access to information, are perceived to play very little constructive role in things like humanitarian relief efforts, which are the mainstay of donor funding. Quite understandably, DFID and other donors do not consider support for mass media a priority when this entails giving money to private business people or urban-based professionals who appear to do little to address the needs of those the donor is primarily concerned with. And yet the very same beneficiaries of agencies like DFID are crying out to be heard, and are starved of information, as the ACPD's research again illustrates. "Anything we say is treated as useless...We are despised and treated as outcasts, sentenced to death in isolation and pain," says one HIV-positive person in one ACPD research project (see 'Community Views of Communication' elsewhere in this document). Operation *Murambatsvina* might have brought about one of the biggest humanitarian crises to hit Zimbabwe in recent years, but seldom have the views of the estimated 700 000 people affected been sought by and heard through the media.

People are demanding their rights to free expression and access to information, which they see as essential for their upliftment and wellbeing. But at the same time, donors, development agencies and the media are doing little to uphold these rights. Journalism and "communications for development" are seen as two completely different disciplines, both inherently top-down, where in fact they are part of a continuum linked by the universal rights to free expression and access to information; a two-way process which – even in the Zimbabwean constitution – allows every citizen to "receive and impart" (our emphasis) ideas and information. Currently, the likes of the Independent, Daily News, SWAfrica, MISA, and even community media like Radio Dialogue are embedded in the "development of media" camp. Organisations such as ACPD that are involved in producing media and information focusing on developmental issues are – in the minds of most – on an altogether different planet, referred to by some as "communications for development". Making the link between the two via the rights of free expression and access to

information requires a radical shift in mindset by donors, media practitioners and development workers alike. Reforming AIPPA is as much a development issue as AIDS prevention, as the repressive environment currently found in Zimbabwe impacts on both, and therefore provides an ideal opportunity to explore such a shift. This will mean going way beyond holding a few HIV/AIDS workshops for journalists, to changing the way we conceptualise media and communications. This is only likely to happen if media and communication workers ourselves embark on the kind of cultural revolution envisaged in 'Guns and microphones' above; a process that cannot happen overnight.

In the meantime, there appears to be a need to make existing money work more effectively, which perhaps requires some changes in the ways donors operate in Zimbabwe. Already-overstretched beneficiaries spend a great deal of time fund raising and reporting to donors. Obviously transparency is essential. But dealing with an array of different donors – unavoidable if you are going to raise the kind of available piecemeal funds needed to sustain an organisation for any length of time – each with their own priorities and reporting requirements, is time consuming and often detracts from an organisation's core business. If existing donors are working with the same partners, as invariably they are, and share common objectives (as they seem to do), what's stopping them from coordinating their efforts more closely? Similarly, organisations with the same donors often seem to work in isolation from each other, and donors looking for a better return on their money might be in a position to facilitate a greater degree of co-ordination and collaboration between their partners. Greater co-ordination should not be such that it cramps the editorial independence and diversity of the organisations concerned. However, it could ensure broad accountability to a collective vision, and in so doing hopefully help to prevent donor funding being sunk into what Geoff Nyarota terms "cottage industries" that sound convincing in project proposals, but do little to further free expression and access to information for more than a few (Nyarota 2005).

Up until now, donors – like the projects they have been supporting – have tended to think short-term, apparently in the hope that change in Zimbabwe was around the corner. Three elections have come and gone, and there is now a realisation that change is going to take a long time, if indeed it is going to happen at all. Zimbabwean media practitioners and civic activists appear to be looking to regroup, and to develop long-term strategies that will require long-term support. Parallels are drawn with the anti-apartheid and liberation struggles, when long-term funding seemed to be available for a long-term cause. This was probably because of the buy-in to the struggle from donor governments, something that is lacking in the current Zimbabwean struggle. But this buy-in took decades to develop, and required persistent advocacy by those supporting the various causes.

Zimbabwe's NGO Bill hangs like a guillotine over the heads of development organisations and their funders, as it seeks to regulate funding to civic and developmental organisations working in the country. The response, particularly amongst relief organisations, has been to keep their heads down and to do nothing controversial in the hope that the government will not enact the law. This cat and mouse game seems to be underpinned by the belief that there is something wrong with foreign funders supporting local initiatives, a guilt complex that plays into the propaganda that portrays donor agencies as imperialists trying to destabilise a democratically elected government. Human rights are universal, and presumably it is the responsibility of everyone to support and defend these rights wherever and whenever they can. Freedom of expression and access to information are human rights issues.

Having said this, practical steps may need to be taken to ensure that support to organisations continues should existing funding channels be blocked. Again, lessons from the liberation struggles of southern Africa might be worth exploring. The fact that Zimbabwean economy is becoming increasingly reliant on money being sent home by those living in the Diaspora should ensure that the channels for inward flow of money remain open. There are wealthy Zimbabweans living outside the country who appear keen to support development efforts back home, and there may be opportunities for these wealthy Zimbabweans and funding agencies to work together towards a common cause. Strive Masiyiwa - communications entrepreneur and majority shareholder in the company that owns the Daily News, as well as a minority shareholder in the Independent and Standard newspapers - has established a trust that seeks to "promote and further the independence of the media in Zimbabwe" and to "assist all persons engaged in Zimbabwe in providing news, information and entertainment through all and any media"⁵. Channelling funds through indigenous trusts such as this may overcome some of the problems donors face as a result of distance and lack of local knowledge, and may also make it easier to circumvent the NGO Bill. Receiving funds from one source with one set of reporting and monitoring rules may also make life easier for funding recipients. Clear understanding by all parties of agendas and shared objectives, as well as funding criteria, would doubtless be a pre-requisite for such a partnership. However, some of those interviewed felt that such a mix of philanthropic styles would make for a healthy and more effective blend of business and developmental approaches.

⁵ Objectives taken from the deed of the Independent Media Trust.

Conclusion

Together with “crisis”, “hope” is another word that crops up time and again in discussions around free expression in Zimbabwe. Communication that gives hope and raises a smile may be a useful short-term strategy while Zimbabweans regroup and contemplate the long haul ahead. In this vein, this paper has sought to highlight some of the opportunities that exist for promoting free expression and access to information, as well as the underlying problems that hinder the realisation of these rights.

Demands for a constitutional guarantee of media freedom, an independent media commission and laws providing for public access to information and the curtailment of government interference in the media formed part of the National Working People's Convention that was a landmark during the emergence of a political opposition to ZANU-PF in the late 1990s (Bond and Manyanya 2002: 229-30). Like the opposition party that emerged from this movement, the MDC, these demands lie in tatters on the ground, buried in the fall out of Zimbabwe's failed democratic transition. Analysis of how these demands for free expression and access to information were taken up by a broad-based social movement in the first place, and how they failed to materialise, may provide important lessons as free expression advocates start the process over again.

There is little chance that the period of relative media diversity experienced at that time will return to Zimbabwe in the foreseeable future. Nor should any self-respecting freedom of expression advocate wish it to, given its deep structural and cultural flaws. To be meaningful and far-reaching, strategies for promoting free expression and access to information need to be long-term and revolutionary. And as with any successful revolution, these strategies need to engender the trust and aspirations of the masses.

In 2002, representatives of Zimbabwean media and civic groups drew up strategies for mobilising broader support for free expression and access to information (see Appendix B). The process, facilitated by Article 19 and the Open Society Initiative for Southern Africa (OSISA), was not dissimilar to the one taking place in Johannesburg at the end of November 2005. Little appears to have come of the 2002 initiatives. Some of those involved felt that these initiatives might have been ahead of their time, as everyone was still focussed on short-term solutions to the Zimbabwean “crisis”. Now that this quest for short term solutions appears to have been abandoned, the strategies may be worth re-examining. On the other hand, some participants felt the 2002 initiative made little progress because no one had the space or flexibility in their work schedules and log frames to do anything about the strategies they had so enthusiastically adopted at a Johannesburg hotel.

As we have tried to argue in this paper, there is no crisis with regards freedom of expression and access to information in Zimbabwe, and therefore short-term solutions are unlikely to solve what are long-term problems. In itself, a change of regime is unlikely bring about meaningful gains in free expression and access to information, just as it did not in 1980. Any post-Mugabe government in Zimbabwe is going to be under extreme pressure to deliver on a whole range of issues, and keeping control of information flow and a lid on dissent is likely to be the instinctive reaction of those who come to power (Maroleng 2005). The current state of the MDC reduces the likelihood that a new regime is going to be formed by an existing opposition party. Not that the MDC would have been a champion of free expression and access to information, given its reluctance to embrace these issues in any tangible manner during the past six years. A verbal commitment to free expression and access to information is of little value. Rather, it is likely that the long-term solution to the problems facing free expression and access to information will lie ultimately in the hands of people currently within ZANU-PF; those with whom the media and other freedom of expression advocates are at loggerheads. A bitter pill it might be to swallow, but the likes of Simba Makoni, John Nkomo, Emerson Manangagwa and Solomon Mujuru could be the ones who will ultimately determine the direction of free expression and access to information in the future. If so, these are the people freedom of expression advocates need to engage with and win over to the cause. They are more likely to be won over if this cause has managed to rally broad based support.

Privately owned media inside and outside Zimbabwe tend to promote the perception that President Mugabe personifies the current crisis. This feeds the “Mugabe out at all costs” hysteria that seems to grip those opposed to his regime. This discourse is as unconstructive as it is negative, and typifies a knee-jerk reaction to a crisis. What is more, it alienates the many people who continue to hold Zimbabwe's founding President in esteem; people to whom free expression advocates ultimately need to appeal. The struggle for liberation throughout southern Africa was waged around the more positive discourse of political emancipation and human rights, the right to free expression included. This struggle appealed to the aspirations of a vast majority, and those espousing this struggle – journalists included - were respected and supported. On the surface at least, the struggle for free expression and access to information is a more complex and less popular concept. But this is perhaps because the struggle has yet to emerge from the cosy confines of the media class. Indications are that this struggle would indeed appeal to the masses, and the onus is on freedom of expression advocates to get out there and take their message “from door to door” in the time honoured tradition of Zimbabwean revolutionaries.

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Media business environment in Zimbabwe

By Raphael M Khumalo

Background

Zimbabwe's literacy rate of 90.7%⁶ is one of the highest in Africa, providing huge opportunities for growth in newspaper circulation. However, in today's Zimbabwe, high literacy does not translate into wide newspaper readership and sales. Rather, economic and political factors limit the print media's potential for disseminating information to the Zimbabwean populace.

Zimbabwe has a population of 12,7million of which 64% is 15 years of age and above. To understand how little newspapers have penetrated their potential market, one has to appreciate that 70% of Zimbabweans able to work are unemployed. And 66% of those employed work in agriculture, where wages are barely sufficient to cover the bare essentials. Of the remainder in employment, 10% are in industry, whilst 24% are in the service sector.

Constraints – Business environment

Zimbabwean industry is operating at 25% of its capacity, and has been in free fall since March 1998. A drop of 8% in capacity is expected this year at a time when inflation is around 360% per annum. The decline in the manufacturing sector is largely related to the non-availability of the foreign exchange needed for importing raw materials, spares and equipment. The country's import cover – the extent to which national foreign exchange reserves can cover the purchase of goods imported into the country - fell from 75 days in 1999 to 15 days in 2003 and 2004. In 2005 there is no cover at all, with the result that suppliers outside the country are not prepared to supply goods on credit to Zimbabwean companies, as they risk not being paid. This has caused a run on the little foreign currency coming into the country, and the Zimbabwean Dollar has declined from Z\$38 to the US\$ in 1999 to the current rate of Z\$100,000 to the US\$⁷.

Following the economic downturn, publishers have had to contend with major challenges posed by falling readership and advertising. The cost of producing newspapers has soared, putting papers far beyond the reach of most Zimbabweans.

Newsprint

Newsprint is produced locally by Mutare Board & Paper Mills. To manufacture newsprint, the plant needs at least US\$300,000 per month in order to import pulp. This it has struggled to do, as foreign currency allocations from the Reserve Bank have all but ceased. For Mutare Board & Paper Mills to stay in business, the company has resorted to buying foreign currency on the parallel market, where exchange rates are very high. This has resulted in newsprint going up in price by more than 832% over a nine-month period, in line with the fall in the exchange rate.

The current landed price of newsprint in Harare is Z\$65,461,989 per tonne. Average consumption of a 48-page tabloid such as the Independent, with a weekly print run of around 30 000 copies, is 8 tonnes – a monthly cost of Z\$2,618,479,560. As the following break down of cover price shows, 25% of revenue earned from newspaper sales goes towards meeting printing costs alone:

Newspaper pricing:-	
Cover price	Z\$55,000
Value added tax	17.5%
Distribution commission	50%
Fuel surcharge	7.5%
Printing cost	25%

⁶ www.cia.gov/cia/publications/factbook/geos/zi.html

⁷ For a number of years, there has been a huge discrepancy between the official foreign exchange rate and the rates of exchange available on the parallel market. When this article was written, the Zimbabwean government had just relaxed exchange controls, resulting in an effective devaluation of the currency. This saw the official exchange rate drop to around Z\$100 000 : US\$ 1, which was similar to the rate available on the parallel market. However, the official rate then rebounded to around Z\$60 000 : US\$1, probably as a result of intervention by the Zimbabwean Reserve Bank.

Revenue from advertising has to cover all other costs including, newsprint, administration overheads, selling expenses, and staff salaries. In recent weeks, two broadsheet newspapers - the Sunday Times and the Sunday Mirror – have become tabloids in an effort to cut down on newsprint consumption.

Printing Charges

Printing charges from the example above are up to Z\$275,000,000 per week, or Z\$1,375,000,000 per month. This brings the total cost of producing newspapers in one month to Z\$ 3,993,479,560.

These are huge costs that publishers are barely able to cover. Publishers are continually reviewing print runs, advertising tariffs and their cover prices. Each step results in fewer advertisers and readers. Borrowing is not an option, as interest rates range from 415% to 435%. To compound matters, most advertising revenue is derived from advertising agencies, which take up to 60 days to pay.

When faced with increases in newsprint and printing charges, newspaper owners either increase their cover prices or their advertising tariffs - or both. Failure to do so would result in almost certain closure, unless publishers could somehow access grants or low-interest loans from elsewhere.

Between 2000 and 2002, a period that saw a referendum and two national elections⁸, the average print run for the government-owned Sunday Mail was 81000 copies per week, while the Herald printed around 68 000 copies per day. In 1985, the circulation figures for the Sunday Mail exceeded 150 000 copies per week. The decline in newspaper circulation is closely linked to the decline in the country's standard of living; when push comes to shove, people would rather buy *mealie meal* than a newspaper. To appreciate the seriousness of the problem, it is worth noting that over a nine-month period the Financial Gazette and Independent increased in price by 600%.

Advertising

But just because someone cannot afford to buy a newspaper, it does not mean they are unable to read it. Fewer newspapers are being bought by the dwindling few who can afford them, but many of these papers later find their way into the hands of many other people. The Zimbabwe All Media And Products Survey (ZAMPS) indicates that every newspaper bought is passed on to between 10 and 15 people. So advertisers could still reach a wide audience. However, in order to want to reach this audience in the first place, advertisers need products to sell. In Zimbabwe there are fewer and fewer goods for sale as there is no longer foreign exchange to pay for their importation.

Major companies like Unilever, Cains Foods, the South African supermarket chain OK, and United Bottlers will not advertise when their factories are unable to produce products such as washing powder, chips, soft drinks and the like. The shrinkage in newspaper advertising can be seen in the way newspapers have become thinner, just as the supermarket shelves have grown empty.

Distribution

Street vendors, shops, and agents sell newspapers in return for a commission. Munn Marketing, a major distributor of private newspapers, charges publishers 50% of their sales, net of VAT. In addition, they demand a 7.5% fuel surcharge to compensate for the high price of fuel. Munn Marketing is owned by ZIMind Publishers (Pvt) Ltd, the company that owns the Independent and the Standard newspapers (see 'Media Ownership' section of this document). There is only one other distribution company that distributes newspapers, and that is Publication Distribution. A company called Zieco also distributes magazines, as does Munn.

The distribution of government owned newspapers such as The Herald, Chronicle and Sunday Mail is done in-house by their circulation departments, which use their own trucks, as well as commuter minibuses and rural buses. Their distribution networks are much wider than those of the privately owned press, as the government owned papers have larger print runs and publish on a daily basis. They also enjoy the support of local ruling-party politicians, some of who have banned the distribution of privately owned newspapers like the Independent and Standard in their areas.

⁸ Throughout the world, newspaper readership usually peaks during elections and periods of intense political activity.

The shortage of fuel has seriously affected newspaper distribution, too. Rather than sending trucks to places like Masvingo or Chinhoyi, it is cheaper for a distributor to send newspapers on commuter minibuses. However, distribution by public transport is less reliable. The government owned press has been equally affected, even though they do sometimes receive fuel allocations from the state owned fuel procurement company NOCZIM.

When sales of newspapers decline, readership will decline too, albeit not at the same level. Take the case of a family breadwinner who, in the past, would have bought a copy of the Herald every day. That copy would have been shared with around 10 other family members. Now the breadwinner can no longer afford to buy the paper, and decides to rely instead on the copy available at the office. Ten readers will have been lost by this single act. Print runs have become smaller whilst the purchasing power of populations outside the cities of Harare and Bulawayo have been the worst affected.

Constraints – Legal and political

The impact on newspaper production of the declining economy has co-incided with the passing of legislation that has further restricted the publishing industry (see 'Media Laws' elsewhere in this document). The Access to Information and Protection of Privacy Act (AIPPA) prohibits any individual who is not a citizen or permanent resident of Zimbabwe, or any company in which one or more Zimbabwean citizens hold – directly or indirectly - a controlling interest, to hold or acquire shares in a mass media service. The Act also requires that all media houses be registered with the Media and Information Commission (MIC), which issues media houses with two-year renewable registration licenses. Those that do not comply run the risk of imprisonment and / or heavy fines, as well as the seizure of their equipment. Furthermore, media owners are compelled to inform the Commission of any changes in ownership, name, language or frequency of publication, as well as changes in editorial content and area of distribution. In 2004, the Commission suspended the registration of The Tribune newspaper for a year after the owners failed to inform the Commission of a change in shareholders.

Section 71 of AIPPA provides for the suspension, cancellation and enforcement of an operating license for a period of one year as a result of fraud, misrepresentation or nondisclosure of a material fact. In February 2005, a month before general elections, the Commission closed The Weekly Times for being in breach of its licensing conditions. Justifying the closure, MIC Chair Tafataona Mahoso said the Weekly Times' "core values, convictions and overall thrust were narrowly political, clearly partisan and even separatist"⁹. He said the newspaper had "hoaxed" his commission in its license application by saying it would focus on development journalism. The Weekly Times was closed less than two months after it launched, taking to four the number of newspapers deregistered by the MIC since it started licensing publications in 2002.

The success of a newspaper is dependent on the ability of the journalists it hires to enquire, and to gather, receive and disseminate information. As described in detail elsewhere in this document, AIPPA makes it extremely difficult for journalists to carry out their core business. Even if registered, journalists can have their press cards suspended by the MIC if they are found to be in breach of AIPPA's restrictive code of practice.

A two-year operating license for a media house that requires billions of Zimbabwean dollars in start-up capital makes a mockery of the country's quest to attract investment and to create jobs. No serious investor will put money into a venture that can be closed at the whim of a government official. Buying computers, vehicles, furniture and office equipment, as well as recruiting staff, is a costly business. The Act does not give confidence to lenders of capital such as banks and other financial institutions that media houses are going concerns.

A press card valid for a year is equally problematic, as it does not allow for job security. Not surprisingly, many good journalists have chosen to leave the country rather than work under such conditions. The impact of their departure on publishers has been huge, as can be seen by the lack of depth in many news stories owing to a lack of experience and professionalism of the journalists concerned. Journalists' pay is dictated by the industry in which they work. I doubt that publishers are profiting from employing relatively inexperienced journalists as, whatever short-term benefits may be gained from hiring these lower-paid journalists, would soon be lost in the cost of litigation arising from their inexperience.

AIPPA requires newspaper publishers to pay registration fees of Z\$500,000 and an application fee of Z\$20 000 when they lodge

⁹ Mahoso quoted by Institute for War and Peace Reporting Africa Reports: Zimbabwe Elections No 11, 01-Mar-05 'New Press Freedom Blow' (www.iwpr.net/index.pl?archive/ar/ar_ze_011_2_eng.txt)

their registration. Meanwhile, a Z\$1000 application fee and Z\$5000 accreditation fee are payable when registering a journalist. These fees in themselves are not a burden. However, what is a burden is the annual levy of 0.5% on a newspaper's gross annual turnover, which is also required in terms of the law.

With the current legislation in place, it is unlikely that the printing companies currently servicing the private press will want to invest in new technology and equipment, as returns on investment are not guaranteed. Their clients could be closed down any time, thus presenting the printers with serious financial problems.

British company AMI invested in the Daily News before the enactment of AIPPA (see section on 'Media ownership' elsewhere in this document). It is unlikely that such a company would invest with AIPPA now in place. AIPPA's restrictions on foreign ownership singles out media from the rest of the manufacturing sector, which otherwise is a priority sector in which 100 per cent foreign ownership is permitted, according to the Zimbabwe Investment Center.

Contrary to logic, government is preoccupied with how it can survive and reproduce, rather than with how it can attract foreign investment, particularly in a sector such as the media that it considers strategic. Thus government will continue to view foreign investment in media with suspicion and disdain.

Todi, senzenjani? What shall we do?

Zimbabwe literacy rate of more than 90% is, itself, a huge opportunity. How this opportunity is exploited depends on a wide range of risk factors described above. In general, Zimbabweans expect that good times are around the corner, and believe that newspapers can somehow make the good times happen much sooner through their reporting. However, AIPPA and its terrible twin, the Public Order and Security Act (POSA), severely constrain what newspapers can report on without risk of closure.

There are huge gaps in the newspaper market - notably the lack of independent Ndebele and Shona language newspapers, and the absence of affordable A4 or even A5 sized newspapers for low-income earners in the townships and rural centers. The price of newspapers is far beyond the reach of many. AIPPA and POSA have been applied selectively against the private press and must therefore be repealed so that publishers can focus on business without the constant fear of having their papers closed.

The availability of appropriate technology would offer cheaper and even more durable newspapers. Given the high price of film, it is time the printing and publishing industry moved away from the use of image setters to plates. There is a serious need for investment in computer-to-plate production of newspapers as film for image setters is expensive and in short supply.

It is true that none of the newspaper closures in recent years were for economic reasons. However, the industry is not attracting investors with purely business intentions. Rather, titles are being kept afloat by investors who seem to be seeking to serve more overtly political agendas, as the reported buy out of the Mirror Group by the CIO seems to suggest. The reason the Independent, Standard and Financial Gazette remain in business is because they have carved out a niche for themselves in reporting political and business stories that the government controlled newspapers will not report.

Finding alternative sources of newsprint is crucial for alleviating the current problems faced by the print media. Providing the mill with foreign currency to purchase pulp will not help, as the mill itself urgently needs a major overhaul if there is to be an improvement in the poor quality of its products.

Clearly, it is difficult to predict what will happen tomorrow, let alone what the media landscape will look like in the medium to long term. The privately owned press is inaccessible to many, and is only tolerated because the government wants to give the impression that free expression is respected. However, there is no guarantee that this semblance of normality will continue indefinitely.

Raphael M. Khumalo is General Manager of ZIMind, the publishers of the weekly Independent and Standard newspapers.

Community views on communication in Zimbabwe

By Kathy Bond-Stewart

Introduction

Impoverished communities – those seldom reached by mainstream media - are passionately concerned about communication. In recent years, as the crisis in Zimbabwe intensified, the Africa Community Publishing and Development (ACPD) carried out two research projects on community concepts, experiences, challenges and strategies of communication. These were published in the books *Regenerating: Towards a new strategy of community education and media* and *Follow the river and you will reach the sea: Community views on communication*. In addition, the concepts of “constructive” and “destructive” forms of communication were analysed in the booklet *Peace-building* and a chapter on communication in the book *No fruits without roots: community views on local governance*. Furthermore, this paper draws on 20 years' experience of community publishing - to be published in a forthcoming book *Even the smallest bird can sing from the tallest tree* – as well as on recent experiences of improving the way citizens and local leaders relate and communicate in a local governance process - to be described in a forthcoming manual *Belonging*.

Research on community views on communication

The first research project - done with Civic Education Network (CIVNET) and the Africa Book Development Trust (ABDT) and published as *Regenerating* - was a national survey of over 5000 social groups, carried out by 8 community based research teams. The research covered 50 out of 58 rural districts in all 8 provinces of Zimbabwe, as well as high-density areas in Harare, Bulawayo and small provincial towns. The process was nicknamed “the Social Capital research” because it investigated the ways in which people meet, communicate and provide mutual support in their neighbourhoods. The research was carried out in a violent atmosphere with a shoestring budget using the social resources of trusted community based research teams.

The survey covered information about the groups (their purpose, composition and frequency of meetings); their access to media, learning needs, language preference and interest in forming study circles¹⁰, as well as their achievements, concerns, suggestions and hopes. We discovered that every neighbourhood, whether urban or rural, has social groups that meet weekly without external assistance to improve their lives. A typical group would be organised to provide economic benefits for its members. It would have between 11 and 20 members, mainly women, aged between 21 and 50. The research found that the group's main access to media would be radio and postal services, while its main information needs related to economic survival; family wellbeing, children's rights and care, development studies and organising skills. They are also interested in different ways of organising society, peace building, laws and local governance. The group would enjoy written materials in basic English, but would want some materials in their own language, and they would be motivated to form a study circle.

While the groups do provide support for members in a difficult environment, they have very little access to information, and most lack participatory skills. In *Regenerating*, we outline a new strategy of community education and media, building on what is already there:

Strengthened social groups which both receive and send information, linked to ward, district, provincial and national community education networks, would provide the best opportunity of establishing community media, independent of both the state and the private sector. Lastly, as these social groups are small, and meet in their own homes, workplaces, churches and out of doors...in a way that is almost invisible to an outsider, they are less vulnerable to harassment.

The second research project, done with the Media Institute of Southern Africa (MISA), examined community views on freedom of expression and access to information. The findings were published as *Follow the river and you will reach the sea: Community views on communication*. Twelve community based research coordinators with 50 research assistants collected information from 1000 respondents from a wide variety of backgrounds. The age of respondents ranged from 8 to 80 years. In addition to interviews and group discussions, researchers did listening surveys, got literate respondents to write, and encouraged people to

¹⁰ A study circle is a group of people that meets regularly to study a chosen topic together by reading about it, discussing what they read, and using information to improve their situation.

create art, poetry, songs and traditional stories based on the research themes. The response to the research exceeded all our expectations, especially as it was carried out in a tense, restrictive atmosphere. The research covered concepts, the human rights to freedom of expression and information, common problems, and come up with recommendations. Respondents defined communication, in the positive sense, as “interaction, through the exchange of views, a two way process based on free expression and access to information”. They agreed that a person, community, organization or country cannot develop without effective communication.

In this research, and other ACPD publications, impoverished groups described the experience of exclusion as being isolated from the world, not being recognised as human beings, being shy, afraid, despairing, ignored and controlled. Communication, as defined above, is vital to survival because it can give communities a sense of inclusion and belonging. It recognizes the value of community members, and helps to build confidence, courage, hope in that it allows them to command attention and take control of their lives. The title of the book on community views on communication *Follow the river and you will reach the sea*, sums up the main theme:

If you have a shared vision of freedom and a sense of direction, as well as the courage to seek the information you need, and express yourselves freely, you will be able to increase freedom in your community. In addition, through effective communication, you can inspire others to do the same.

Challenges

In *Follow the river...* we noted that communication problems are complex, and they cannot be tackled by single interventions. There are social, economic and political factors that limit people's freedom of expression and information in the family, and within local, national and international spheres. Contributors listed the following factors that hinder freedom of expression and information:

Social factors

- Discrimination on the basis of age, gender, ability, HIV/AIDS status and ethnic group
- Authoritarian family leaders
- Illiteracy and lack of educational opportunities
- Not speaking an official language
- Lack of rights awareness¹¹
- Negative traditions
- Negative attitudes
- Shyness, lack of self esteem

Economic factors

- Discrimination by the economic giants
- Poverty
- The class divide
- Hunger
- Isolation
- Lack of means of communication

Here are some examples of what respondents had to say about economic factors affecting their ability to communicate:

We are far away from everything; we feel we don't belong to the nation or even the world.
Radios are scarce, transmissions are poor, batteries are unaffordable, mail is not delivered regularly, stamps are unaffordable.
Telephones are far away and usually out of order.
Newspapers and magazines are very scarce, books are hard to find even at schools.
I have never seen a computer, what does it look like?

¹¹ The majority of respondents did not know about rights and laws including some teachers who had never heard of The Universal Declaration of Human Rights

It is disappointing to be asked whether I have ever used a phone, radio, TV or post office. I only dream that one day my great grandchildren will have access to all these inventions. Everything is difficult to access in rural areas. Our voice is reduced, our thinking is reduced, and our deeds are limited.

Political factors

- Authoritarian leadership
- Abuse of power through bribes and threats
- Restrictive rules and laws
- Domination by one side, lack of objectivity
- Polarisation (divisions)
- Destructive communication (propaganda, lies, hate speech)
- Violence

Here are some examples of what respondents had to say about political factors affecting their ability to communicate:

Information from the state media is manipulated and distorted.
 We feel disabled because we cannot make informed decisions.
 If you express yourself, you fear being beaten, arrested, raped, tortured or killed.
 We are forced to chant the dominant views.
 We cannot exchange information freely because we are harassed. There are spies at work and spies in the community. Our mail is inspected...
 There is a wide gap between most leaders and the people, making communication impossible.
 Communication is the missing link that causes conflict to degenerate into violence.

Constructive and destructive communication

Constructive communication is not yet widely practiced, while destructive communication is a major problem in all spheres of life, from the personal to the political, and even within change agencies. It is important to recognise the difference between constructive and destructive communication in order to deal with it. In two publications produced through the community publishing process, *Peace-building* and *No fruits without roots* characteristics of constructive and destructive forms of communication were listed, and are summed up in the following table.

Constructive communication	Destructive communication
Recognises and respects, the value of each person.	Humiliates and devalues people
Inclusive, integrates previously marginalised groups and connects different groups	Exclusive, domination by one group
Active listening	Refusing to listen, ignoring, arguing or interrupting
Encourages and persuades people, enables them to make informed choices which are in their best interests	Dominates and controls people through threats and bribes
- Truth - Language which reflects the thoughts, feelings, and experiences of a wide range of people	- Lies, propaganda, empty promises - Language which does not correspond to people's experiences
Adapting the way one communicates with specific groups to enhance understanding	Forcing views on others without taking their specific background into account
Examining media critically	Uncritically believing biased media, or accepting the unacceptable
Carrying out one's own research	Assuming one knows, without finding out
Being open to new ideas and information, using an integrated, flexible approach	Having a narrow, closed, one-sided view which is inflexible

Clarity, making important information accessible	Lack of clarity, unnecessary complication important. Information is only accessible to elite groups.
Encouraging the free expression of doubts and fears, and questions	Hiding doubts and fears, preventing difficult questions
Giving and receiving criticism constructively	Hate speech and intolerance, punishing people who don't accept the dominant views
Being balanced. Recognising the strengths and weaknesses in oneself, one's group, other groups, opponents	Asserting that 'we are always right. They are always wrong.'
Using humour constructively	Using jokes to attack one's opponents
Lively, creative use of language	Dull, predictable language
Reframing problems, that is, looking at them in a new ways.	Being blocked by one's habitual or conventional response to problems

Specific communication problems of marginalised groups

Within impoverished communities, there are some groups who are most severely affected by communication problems. These groups include the following:

Children: Half the Zimbabwean population is under 15 years, and 60% are children, the most oppressed yet potentially creative sector of the population. Yet the children's voices are rarely heard in public life. Their most frequent expression, used as a title of ACPD's book on children's rights is: *We are also human beings!*

Youth: Traditionally, youth could not speak at public meetings. Their low social position, worsened by their lack of educational and employment opportunities, continues to exclude them from public discussions, and makes them vulnerable to manipulation (for example, in the youth militias).

The elderly: Although wealthy elderly men have a lot of power, the situation of the impoverished elderly men and women is desperate. Many of them are caring for grandchildren orphaned by HIV and AIDS, and they have valuable historical and traditional knowledge, yet they are rarely consulted. As an elderly respondent said: "I feel I want to burst because I have experienced so much oppression and I am too old for this."

The disabled: The disabled form 10% of the Zimbabwean population, but there is very little recognition of their views and needs in public life. While disability problems such as immobility, blindness and deafness intensify communication problems, it is negative attitudes to disability which disabled people find most painful.

People who do not speak the main languages: The most impoverished rural communities in Zimbabwe, for example, the Tongas, Venda and Shangaan, are excluded from important discussions and decisions through a language barrier: "People decide for us, and take advantage of us."

The illiterate: Although the national literacy rate of the 15-24 year olds is estimated at 97%¹², in 4 Tonga-speaking wards in Gokwe North, where ACPD's working, it is 25%. In addition, the literacy rate is going down, as many children are dropping of school owing to poverty¹³. Illiteracy is one of the clearest indicators of extreme poverty, and it makes people very vulnerable to exploitation. Illiterate respondents spoke passionately about illiteracy as a form of death: "To be illiterate is like being dead, with stones all over your body."

¹² Figures provided by UNDP from the 'Progress Report of the millennium Goals', 4th draft, 2005.

¹³ The primary school completion rate has dropped from 84% in 1990 to 68% in 2004.

People living with HIV and AIDS: One of four Zimbabweans is HIV-positive, yet this large group of people is isolated, and frequently excluded from discussions and decisions on programmes which are meant to support them: "Anything we say is treated as useless...We are despised and treated as outcasts, sentenced to death in isolation and pain."

Women: Many women lack access to the information they need, and are unable to express their views in public or private; a situation which is life threatening in the context of domestic violence and HIV and AIDS: "Men are a problem; they always dominate and refuse to listen to our ideas... We cannot discuss sex and contraceptives with our husbands, so even though we are faithful wives, we can get HIV and AIDS from our promiscuous husbands."

People affected by forced removals: Although useful research has been done about people affected by forced removals¹⁴, no research has been done on these people's communication needs. People were removed from urban areas with basic communication facilities, to areas with minimal or no facilities. We assume they are affected by the same lack of public voice and information as other marginalised groups.

Respondents from marginalized groups such as these used strong, emotional language to express how they felt about being denied the right to freedom of expression and information:

"We are nobodies and non-citizens. The poor are not listened to. The world and the word belong to the rich."

"We feel very remote, as if we have been locked behind a steel door."

"We feel we are dead logs, only moving when we are pushed by others."

Community media experiences

As community media work in Zimbabwe is still small-scale, and needs to be expanded, the following points, from ACPD's 20 years of community publishing experience, might be useful when considering a way forward for community media in Zimbabwe¹⁵.

Firstly, there are no "invisible people", there are only some privileged people whose perception is clouded by prejudice and assumptions. This results in many forms of social exclusion. However, people within marginalised groups are very motivated to communicate, as it is a way to overcome exclusion. In order to tap this great potential, professional media workers need to approach communities with humility and respect, and ensure that the community media process is internally driven, in a way that benefits communities. Community media work alone will have little impact unless it is linked to overcoming internal oppression, community education, organising and advocacy, and some legal and material support.

It is possible to overcome fear, even in communities traumatised by violence; by gathering individual life stories and community histories which record people's talents, dreams and sources of strength, as well as their suffering and how they overcame problems in the past. Having a sense of their value, and potential as individuals, developing their creativity, building on solidarity, articulating their views collectively, practicing peace-building and mastering communication and organising skills, gives people the confidence and courage to push for change:

- "People want this process because it gives them the courage to talk about their problems, express their views freely and take action." Masvingo
- "We have arisen from the dead." Tongas in Gokwe North
- "Community publishing empowers communities to take their lives into their own hands. It helps communities to participate in political, social cultural and economic life as critical citizens and aware individuals. It is about transforming ourselves, our homes, our villages, through reading, research, writing and organising, into places of love and peace." Mashonaland West

Although community media workers have had to work in extremely dangerous, life-threatening situations, their training in effective communication, basic psychology and peace-building has enabled them to open up blocked, tense situations. Dealing with difficult people (i.e. dominating, aggressive people) - also known as "radical diplomacy" - is one of the crucial and most popular

¹⁴ For example, the reports by the Zimbabwe Human Rights NGO Forum, The Solidarity Peace Trust Action Aid and Combined Harare Residents Association, and United Nations.

¹⁵ In the forthcoming book on community publishing, *Even the smallest bird can sing from the tallest tree*, these experiences are described in detail with many quotations and concrete examples.

skills taught at community publishing workshops, and this has converted many opponents into supporters. For example, a war veteran who vigorously opposed the draft of an early community manual later asked for a million copies; one of the most feared central intelligence officers asked when we could begin community publishing in his home village, and another, who was about to beat us up, ended up by giving us his grandmothers' proverbs and stories.

One of the most urgent kinds of community media work needed during the intensifying Zimbabwe crisis is improving the way communities and the local authorities relate to, and communicate with each other. The Local Governance Community Capacity Building Programme¹⁶ was preceded by 2 years of research. The process has grown rapidly from coverage of 6 wards in 2002, to 72 wards in 3 districts in 2003, and will cover 120 wards in 5 districts in 2006. The process includes the following:

- Motivating district leaders to participate and take responsibility
- Setting up a district training team, which is made up of both community members and district leaders
- Running two rounds of ward workshops a year for 4 years, based on community publishing manuals and participatory methods
- Promoting village study circles, access to radios and a district newsletter
- Bringing previously marginalised groups into public discussions and local governance
- Conflict resolution
- Advocacy (at ward, district and national level)

While this is a comparatively new aspect of ACPD's work, the initial experience has been very positive and fruitful.

-“It was as if we were people lost in the wilderness, and finally this process has shown us the way.”

-“Corruption has been reduced because people now have the freedom to say what they want.” N. Gumpi, youth, Umzingwane

-“Before there was a conflict between the traditional and elected leaders. Through lack of information and miscommunication we went astray. Everybody went their own way. Now we know how to work harmoniously, and how to work in the right manner. At the workshop we learnt how to sit and talk and make decisions as equals. We learnt: We are all leaders. This is our goal – to develop the whole area. Our political differences do not matter.” Garret Nyathi, Village Head, Mbembeswana, Matobo

-“I used to be an autocratic leader but I have learnt how to be a democratic leader. When we went for training we were transformed in our way of thinking, transformed in our way of applying the law...” Bishop Dube, Matobo

Through improved communication and co-operation, communities and their leaders are tackling local problems, resulting in real improvements in people's lives such as the repair of a clinic, the completion of a hall, the construction of earth dams, raising money for rural electrification, and supporting orphans.¹⁷

Recommendations

As freedom of expression and access to information are hindered by several social, economic and political factors, in both personal and public spheres, our strategies should be integrated, and take all these factors into account. The strategies outlined here are summarised from the community research and community manuals produced over the last five years.

Promote a widespread awareness of destructive and constructive forms of communication

Promote peace building, creativity and democratic practice: While this approach requires a lot of discipline, it can be effective even in tense difficult situations: *“Peace-building is based on truth building. True and soft words will win hard hearts. Creativity protects the giver of a picturesque lesson...Creativity and has captivating...and has authority”*¹⁸

¹⁶ The programme has achieved a remarkable access to rural Zimbabwe, in spite of current restrictions, without compromising its principles, because of the credibility and long record of ACPD and C.W.E Matumbike, local governance specialist and former permanent secretary, and ACPD's radical diplomacy.

¹⁷ More information will be provided in a forthcoming manual: *Belonging : A guide to local governance community capacity building Phases 1-4*.

¹⁸ From *Bridging the divide* (ACPD/Amahorro 2004/2005)

Provide rural communities with a voice and influence in public life through community media. In selected wards, this includes:

- Training community media facilitators in community based research, education, media skills and organising
- Establishing community media houses with solar power or electricity, computers, printers, stationary and eventually phones and access to internet, as well as libraries, radios and videos.
- Promoting all forms of local creativity
- Setting up children's media teams
- Ensuring all marginalised groups have access to information and the means of communication
- Supporting the production and distribution of media on community priorities.

Carry out research on the media needs of people affected by forced removals, as a basis for providing appropriate support

Enhance the capacity of communities and their local authorities to relate and communicate with each other for good local governance: One of the most critical communication problems to solve is the gap between citizens and leaders, in order to make a real difference to the lives of the most marginalised groups. In addition, democratising the structures of local governance provides a strong framework for all media and development work. For example, in the long term, participating local leaders could apply for a community radio license, a request that would be undeniable. Debate and advocacy on community priorities can be carried out in a way that involves all institutions and sectors of the population within a rural district. As the process is locally managed and well documented potentially it could, with adequate resources, be replicated in any rural district in Zimbabwe.

Promote community education and media nationally: This strategy was outlined in *Regenerating*. As community publishing and local governance community capacity building cannot yet be carried out on a sufficiently wide scale, the idea is to increase the capacity and co-operation of national agencies involved in community education and media¹⁹, so that they can reach all rural wards, and impoverished urban wards, with improved services.

What is most important is to build on what is already there: self-managed neighbourhood groups that could both receive and send information through study circles, which could be supplemented by community libraries, with radios, and ward workshops. The process would include the training of trainers, and developing a core curriculum base on researched needs, combining relevant material already available with the production of new materials through community media.

Conclusion

This paper, based on ACPD's research on community views on communication, dealt with community priorities, challenges, the specific problems of marginalised groups, as well as strategies and recommendations. As 80% of Zimbabweans are impoverished, with limited access to information and the means of communication, it is important to prioritise support for community media within media support strategies for Zimbabwe. While community media exposes some of the most painful problems experienced in Zimbabwe, they can also reveal new sources of creativity and hope. This is expressed in this extract from the poem *Regenerating* by V. Khumalo:

We are ready to ascend...
Bringing life to those languishing in pain
Regenerating hope to those it has escaped,
Bringing courage...

We shall again sit together in study circles
Reading, writing, discussing
Pondering over the future,
Conceptualising with a sense of vigour
Acting to restore our lost pride
To restore our tarnished image,

¹⁹ These agencies could include CIVNET, MISA, ARDC, WIPSU, Silveira House, and Manicaland and Matabeleland churches.

to redress, to rectify...

Our minds to a new policy
shall give birth...
With renewed zeal we will dance
Playing the drums to reach the ears of those afar,
And then with tenacity, we will all shout the names
Community publishing!
Community education!
Community media!
Because they are full of love
In their veins flow the desire for change,
The desire to make a difference....

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The working environment of the Zimbabwean media

By Nyasha Nyakunu

Reports of harassment and assault of Zimbabwean journalists have markedly declined in the last three years. At least, if compared to the period leading up to and during the 2000 and 2002 parliamentary and presidential elections, when the Zimbabwean media came under perhaps its most intense bludgeoning in the country's torrid history of media suppression.

The decline in cases of media freedom violations coincides with the closure of the Daily News, which – as the main mass-circulation competition to the state-controlled media – bore the brunt of attacks against journalists and the media they worked for from 2000-2002. The post-2002 period has seen many of the country's most experienced media workers leave the country, with the Committee to Project Journalists reporting that at least 90 journalists now live outside Zimbabwe, "making it one of the largest groups of exiled journalists in the world"²⁰. Their flight followed the enactment of laws that formalised much of the harassment that preceded them, legislation that all-but muzzled diverse and critical views, both within and beyond the media (See the section on 'Media Laws in Zimbabwe' in this document).

From law suits to bombs

Following a decade of post-independence media hegemony, the authorities responded to the gradual emergence of privately-owned newspapers during the 1990s by dusting off laws inherited from the colonial era, and using these against those who overstepped the mark in terms of what was considered acceptable to print.

This period of legal and verbal jousting was jolted when, two months after the government's plans to introduce a new constitution were defeated in a referendum, a bomb exploded at the offices of the Daily News in downtown Harare. A second, more powerful blast wrecked the paper's printing press the following January. And a third bomb targeted the paper's Bulawayo offices in February 2002. In August 2002, a bomb exploded in the Harare studio of the Voice of the People radio, which broadcasts locally produced programmes via a Radio Netherlands transmitter in Madagascar. No one has been charged with any of the bombings.

In between the bombs, several foreign correspondents and journalists were either deported or barred from entering Zimbabwe. Pro-ruling ZANU-PF militias seized numerous copies of private newspapers; journalists and readers of these papers were assaulted and detained, and the private press was effectively banned from circulating in ZANU-PF strongholds.

The government's grip tightened on the government media, too, with scores of experienced journalists and broadcasters retrenched at the Zimbabwe Broadcasting Corporation (ZBC). Then information minister Jonathan Moyo replaced them with handpicked juniors. Those retrenched are still to receive their payouts, and a number have left the country. A few now work for exiled radio stations SW Radio Africa, which broadcasts from London, and Voice of America's (VOA) Studio 7 in Washington.

War of words

The as-yet unidentified bombers aside, physical attacks on the media have, for the most part, been carried out by supporters of the ruling ZANU-PF party and, to a lesser extent, the main opposition Movement for Democratic Change (MDC). Politicians and government officials have goaded them on with hate speech and increasingly restrictive legislation. Journalists working for the private press have been referred to variously as agents of imperialism, sell-outs, enemies of the state and lapdogs of the former colonial master, Britain, bent on derailing the land reform programme. These verbal attacks have provided the context, and arguably the impetus, for the physical attacks.

Much of the vitriol has been carried through a media bereft of professional solidarity. As recently as November 3 2005, the government-run Herald newspaper published an article that referred to broadcasters and journalists John Matinde and Brenda

²⁰ P26 of Witchel E (2005): 'Zimbabwe's Exiled Press – Uprooted journalists struggle to keep careers, independent reporting alive', pp26-30 in the CPJ journal *Dangerous Assignments*, Fall / Winter 2005.

Moyo, Sandra Nyaira, Tichaona Sibanda and Blessing Zulu - who are now working overseas - as “clowns and sell-outs” determined to advance the agenda of Western imperialist propaganda.

Setting the tone for what was to come, hundreds of war veterans and ruling ZANU PF supporters demonstrated against The Daily News in central Harare in January 2001. President Mugabe followed suit in December the same year, when he told church leaders that journalists who wrote “libellous reports” would be arrested:

“The media has been assaulting the integrity of private citizens. In my view, an assault on one’s integrity is even worse than an assault in physical terms.” (*The Herald*, December 18 2001).

Next it was the turn of now-retired commander of the Zimbabwe Defence Forces, General Vitalis Zvinvashe, who told a press conference in Harare the following month:

“The statements (in the foreign and local private media) have caused insecurity, uncertainty and confusion and tarnished the credibility of the country’s security arms.” (Reported in both *The Daily News* and *The Herald* on 11 January 2002)

Zvinvashe was responding to reports that the army had organised illegal farm seizures.

On September 5 2003, Minister Moyo lambasted the private press at the launch of New Ziana, a multi-media group charged with publishing government information, stating: “These papers are trash, and they injure our national interests.”

These verbal attacks provide the background for the physical assaults on media workers and newspaper readers. For example, during a mass action called by the opposition in 2003, alleged ZANU-PF supporters beat readers of newspapers such as The Daily News, The Financial Gazette and The Zimbabwe Independent. Thousands of copies of these newspapers were destroyed during this period, in which war veterans and other pro-government militias “banned” the private press from certain areas of the country.

Those working for these newspapers were similarly harassed. Four Daily News staffers – Collin Chiwanza, Mduduzi Mathuthu (both reporters), Urginia Mauluka (photographer) and Trust Masola (driver) – were beaten up on November 31 2001. The four had visited the farm near Hwedza to report on attacks on farm workers by alleged ZANU PF supporters, and Police officers stood by as the journalists were likewise punched and kicked.

Legal harassment

Since March 2002, more than 80 media workers have been arrested or detained under the Access to Information and Protection of Privacy Act (AIPPA), the Public Order and Security Act (POSA), and other existing laws such as criminal defamation. In 2002 alone, 44 media practitioners were arrested, 13 in the first 10 weeks following the enactment of AIPPA. Only two of the 44 arrests in 2002 have yet resulted in a full trial. In six of the cases, the charges were withdrawn, while 22 of those arrested were released without charge. One journalist was deported, and 13 cases are still pending.

In some cases, journalists were detained over weekends, only to be released without charge. It is significant that not one journalist or editor working for the state media has so far been arrested or charged under these laws, although in many cases those media reported on the same stories that resulted in the arrest of journalists working for the private press.

On January 10 2004, for example, three journalists working for the Zimbabwe Independent were arrested and detained for two nights for a story alleging that President Robert Mugabe had commandeered an Air Zimbabwe jet to travel to the Far East. The three – Iden Wetherell (Publications Editor), Vincent Kahiya (News Editor) and Dumisani Muleya (Chief Reporter) – were each charged with criminal defamation and released on \$20 000 bail.

On May 21 2004, Bornwell Chakaodza and Valentine Maponga, respectively editor and a reporter for The Standard, were arrested over a story in which relatives of a slain mine boss accused government officials of involvement in the murder. The state argued that the two had published false news that was likely to cause public disorder, incite public violence and endanger public safety. The state claimed that the relatives of the slain mine boss denied ever speaking to the paper. The police alleged the story was meant to tarnish the image of the government and charged the two under section 15 (1) of the Public Order and Security Act

(POSA). Chakaodza and Maponga, however, insisted their story was true and that they could easily name the relatives they talked to. The charges were dropped on August 18 2005.

On April 23 2002, The Daily News carried a story alleging that two young girls had witnessed the beheading of their mother in the rural area of Magunje. According to the report, ZANU-PF cadres carried out the execution, the mother allegedly being a supporter of the opposition MDC. The story turned out to be untrue, and the paper published an apology on April 27 2002.

Andrew Meldrum, correspondent for the UK-based Guardian newspaper, was charged under section 80 of AIPPA on 20 June 2002 for abuse of journalistic privilege and, in particular, for publishing falsehoods, having reported the same 'beheading' story published in the Daily News. The High Court found Meldrum not guilty of publishing falsehoods with the intention of tarnishing the image of Zimbabwe as he had taken reasonable steps to verify the facts by contacting the police spokesman, who declined to comment on the allegations. After being acquitted, Meldrum was immediately served with a deportation order by immigration officials. The court suspended the order pending appeal, but Meldrum was deported nonetheless on May 16 2003.

From bombs to buy-outs

The ubiquity of this onslaught against the media has grown murkier with reports earlier this year that the country's secret service, the Central Intelligence Organisation (CIO), has acquired a controlling stake in the privately owned Zimbabwe Mirror Newspapers Group, publishers of the Daily Mirror and Sunday Mirror. Newspaper reports have linked two of the group's shareholders – Unique World Investments and Zistanbal, which together own 70 per cent of the company – to the CIO. Central bank governor, Dr Gideon Gono, has a stake in Unique World Investments. (See section on 'Media Ownership' elsewhere in this document). Gono is also reported to be the owner of the weekly Financial Gazette through the paper's main shareholder Octadew Investments.

If the reports are true, this leaves the Zimbabwe Standard and Zimbabwe Independent as the only newspapers in the country that are not controlled or linked to the state or members of the ruling party. This follows the closure of the Daily News, Daily News on Sunday, the Tribune and The Weekly Times, all of which fell foul of the licensing requirements of the Media and Information Commission (MIC) established by AIPPA.

The state continues to control the Zimbabwe Mass Media Trust, which publishes the only remaining mass circulation newspapers in the country, the Herald and the Sunday Mail, together with a stable of local newspapers. It also controls all the country's licensed broadcasters, which reside under the Zimbabwe Broadcasting Holdings (ZBH). The only indigenous alternatives to ZBH broadcasts are those radio stations broadcasting from outside the country - SW Radio Africa, which broadcasts from London, Voice of the People, which transmits via Radio Netherlands, and Studio 7, which is produced and broadcast by VOA. Several Internet news sites - such as NewZimbabwe.Com, ZimOnline and ZimNews – run by Zimbabweans based outside the country also endeavour to fill the information void.

Left with no other sources of income exacerbated by poor working conditions and remuneration, a number of unemployed and practicing journalists remaining in the country string for these news organisations in the Diaspora, as well as for foreign media. Freelancing locally is nigh impossible given the ever-shrinking media environment and the MIC's stringent accreditation regime.

Accreditation/working conditions of journalists

Section 79 of AIPPA, states that the Media and Information Commission (MIC) may accredit journalists and issue press cards to those it has accredited. Accreditation is required annually. The Commission determines whether journalists are qualified to practice, although the MIC has not made public any criteria by which it assess journalists' qualifications. Therefore registration is left to discretion of the Commission, which is answerable to the Information minister. Anyone without MIC accreditation cannot practise as a journalist.

Daily News journalist Kelvin Jakachira was charged under AIPPA for practising journalism without accreditation. In his evidence, MIC Executive Chair Dr Tafataona Mahoso said he had rejected all applications for accreditation from journalists working for the Daily News and its sister titles. Mahoso said this was because the company was not registered with the MIC as required under AIPPA.

The magistrate, however, ruled that Jakachira submitted his application in time and had thus complied with the application procedures as stipulated under AIPPA. During the hearing, it transpired that the MIC, which is supposed to enjoy at least a modicum of autonomy, had the same postal address as the Office of the President. The courts still have to decide on the fate of eight other Daily News journalists who face similar charges. In the meantime, these eight struggle to find employment with registered media houses, as first they have to be accredited by the MIC before they can work. The alternative is for them to freelance, but this is risky, as they will be required to produce their accreditation cards when going about their work.

Veteran journalist Jonathan Maphenduka resigned from the MIC in August over what he described as the Commission's ill-advised decisions to close down four newspapers. "It must be obvious to all that the decisions of the Commission regarding those newspapers at this most opportune time is shorn of discretion and therefore ill advised and counter-productive," Maphenduka said in his resignation letter. The chances of these newspapers staging a comeback are unlikely given the partisan nature of the MIC.

Pay and conditions

If this was not enough to contend with, poor salaries, low levels of training and inadequate investment in technology beleaguer the media industry. Journalists working for the private press earn as little as Z\$6,5 million (US\$ 65 –100) a month in a hyper-inflationary environment in which the average basket of food at a supermarket costs around Z\$11 million²¹. This affects morale within the media, and has an adverse effect on the quality of journalism. Most journalists prefer to sell their better, more investigative stories to foreign media houses, or else to receive "settlement fees" for protecting corrupt officials and business people from adverse publicity.

Like the media itself, associations and unions representing media workers are polarised, making it difficult to campaign for improved working conditions. Mathew Takaona, the president of the Zimbabwe Union of Journalists (ZUJ), was fired as acting news editor of the government-controlled Sunday Mail after he addressed journalists from the Daily News.

Nonetheless, ZUJ is working towards setting up National Employment Council that will look into the working conditions of journalists with a view to standardising salaries and perks. Meanwhile, ZUJ, MISA-Zimbabwe, the Media Monitoring Project of Zimbabwe and the National Editors Forum is pushing for the endorsement of national code of ethics that will pave way for the establishment of a voluntary, self-regulatory media council as a parallel force to the government-appointed MIC. Submissions have already been made to the Minister of Information and Publicity, and the Parliamentary Portfolio Committee on Transport and Communications.

A glimmer of hope?

MISA-Zimbabwe will continue to pressure Parliament to revisit restrictive legislation such as AIPPA, POSA and the Broadcasting Services Act (BSA) with the view of having them amended or repealed. Parliamentary committees have produced reports critical of the broadcasting environment, particularly with regards the ZBH's entrenched monopoly of the airwaves. Even government ministers recently argued that the BSA is not conducive to private investment in the broadcasting sector, and should be reviewed to allow the entry of private players.

Meanwhile, MISA-Zimbabwe together with the Zimbabwe Lawyers for Human Rights and the Independent Journalists Association of Zimbabwe, have filed written submissions to the African Commission, arguing that AIPPA contravenes the provisions of the African Charter on Human and People's Rights. A hearing on the admissibility of this submission was due to be heard at the African Commission's recent session in Banjul in November 2005.

However, with the enactment of more repressive laws around the corner, Zimbabwe's democratic space is destined to shrink further. The measures being put in place suggest only one thing - worse times ahead for media freedom and freedom of expression in Zimbabwe.

Nyasha Nyakuru is MISA-Zimbabwe's Research and Information Officer

²¹ Consumer Council of Zimbabwe.

Media Laws In Zimbabwe

By Wilbert Mandinde

Follows an analysis of legislation affecting free expression and access to information in Zimbabwe.

The Constitution of Zimbabwe

The right to free expression is guaranteed in Section 20 of the Constitution, which states.

"Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference and freedom from interference with his correspondence."

- The above provision makes no specific mention of the right to media freedom, or the right to access information, which means these rights are inadequately protected.

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The Access to Information and Protection of Privacy Act

The Access to Information and Protection of Privacy Act (AIPPA) governs the operation and general conduct of the media in a way that leaves the media with little breathing space.

AIPPA provides for access to information held by public bodies, but it is up to the heads of these public bodies to decide what they will and will not release "in the public interest" Public interest is not defined in the law. The Act allows public officials to hold information for 30 days after a request for information is made, which is impractical for journalists. This 30-day period may be extended by another 30 days with the permission of the Media and Information Commission (MIC), the board of which is appointed by the Minister of Information. Where the information requested affects a third party, the latter is given up to 20 days to respond.

All journalists must be accredited by the MIC. Foreign journalists – including Zimbabweans not "ordinarily resident" in Zimbabwe - can be accredited for no more than 30 days. Media institutions and news agencies must be registered by the MIC, which has the power to refuse and withdraw registration. Foreigners and Zimbabweans not ordinarily resident in Zimbabwe are barred from registering media houses.

Public Order and Security Act (POSA)

- Promulgated in 2002, POSA was meant to repeal the Law and Order Maintenance Act (LOMA). But in effect, POSA is a reworded version of LOMA with a different name. Like its predecessor, POSA contains provisions that curtail freedom of expression.

- POSA re-introduces provisions of the 1964 Preservation of Constitutional Government Act, (repealed in 1999), which the Rhodesian government used to suppress nationalist movements such as the now-ruling ZANU-PF. The new provision carries a penalty of 20 years' imprisonment without the option of a fine. Section 5 has very broad provisions that incorporate the common law crime of treason. It also makes it an offence to set up, organise, or advocate for a group or body that may "coerce or attempt to coerce the Government". The law further prohibits any person to support, assist or even threaten such action, with or without the threat of violence. While the Constitution states that the rights to free expression, association and assembly may be limited in the interests of defence, public order or public safety, I would argue that acts of passive resistance and civil disobedience outlawed under POSA would not affect such interests, and are not reasonably justifiable in a democratic society.

- Section 15 of POSA deals with publishing or communicating "false statements" considered prejudicial to the State. Subsection 15(1) of POSA makes it a criminal offence for a person inside or outside the country to communicate a statement that is wholly or materially false, and which:

- Promotes public disorder or endangers public safety
- Adversely affects the defence or economic interests of Zimbabwe
- Undermines public confidence in the security forces
- Disrupts any essential service

Proof that the statement was intended to cause any of the above is enough to bring about a conviction, which carries a fine of Z\$100 000 and / or a five year prison sentence. The law applies not only to mass media, but also to reports produced by businesses and other civil society organisations. This false statements provision is a re-enactment of section 50 of LOMA, but takes into account the Supreme Court's judgment in *Chavunduka & Anor –v- Minister of Home Affairs & Anor*, (see 'Free Expression and the Judiciary' below) in which section 50 of LOMA was ruled to be in contravention of Section 20 of the Zimbabwean Constitution.

POSA's subsection 15 (2) prohibits the publication of a statement by a person who knows the statement to be false, or who does not have reasonable grounds for believing the statement to be true, if the statement gives rise to one of the four consequences listed above. By going beyond defence, public safety, public order and the country's economic interests, the subsection exceeds the permissible limits set out under section 20(2) of the Constitution. This offence is punishable even where the accused person thought their statement was true, if the court finds that the person did not have reasonable grounds for believing the statement to be true.

Increasingly the authorities have used Section 15 against the private media, as well as civil society leaders and those perceived to support the opposition. In most instances, charges have been dropped on the advice of the Attorney General's office. But the on-going threat of the use of POSA doubtless has a chilling effect on the government's critics.

Meanwhile, section 16 of POSA deals with issues of undermining authority of, or insulting President, and is taken from section 46 of LOMA. Section 16 prohibits the making, publicly and intentionally, of any false statement (including an act or gesture) about or concerning the President or Acting President if the person knows or realises that there is a risk or possibility of engendering feelings of hostility towards or causing hatred, contempt or ridicule of the President / Acting President, whether in their official or personal capacity. It is also an offence to make abusive, indecent, obscene or false statements about the President. None of these terms are defined. Zimbabwe has an Executive President and therefore it is perfectly permissible for him to come under public scrutiny and criticism as the politician responsible for the policies and practices of the government.

In terms of section 24 of POSA, anyone organising a public gathering has to give the police at least four days' notice. Many police stations, whether deliberately or by mistake, interpret this provision to mean that the organiser must apply for, and obtain police permission to hold a gathering, whereas the law simply requires notification. Police have been broken up many gatherings on the basis of this provision.

The Broadcasting Services Act (BSA)

Promulgated following attempts by Capital Radio to go on air in 2000, BSA establishes the Broadcasting Authority of Zimbabwe (BAZ), which grants broadcasting licenses. As with MIC, the Minister appoints the BAZ board, which has yet to license a private or community broadcaster. Under the BSA, it is an offence to broadcast without a license, and only citizens ordinarily resident in Zimbabwe, or a body corporate whose controlling interest are held in Zimbabwe, can apply for a license. Contravention of the law attracts a fine of Z\$5 million and / or two years imprisonment.

The BSA further requires a broadcaster to reserve, free of charge, one hour of programming a week for the government to explain its policies. At least 75% of a broadcaster's programming must be produced either locally or elsewhere in Africa.

The Criminal Law (Codification and Reform) Act

The Criminal Law (Codification and Reform) Act was gazetted on June 2, and is anticipated to come into force on January 1 2006. The Act will introduce stiffer penalties than those initially provided for in POSA and AIPPA.

Section 31(a) of the Act is almost a carbon copy of the “false statements” provisions of POSA, but provides for fines of up to Z\$2,500,000 and / or 20 years imprisonment, whereas POSA provides for fines of Z\$100 000 and / or five years in jail. Section 31(b) mirrors Section 80 of AIPPA, and deals with the communication of “falsehoods”. Whilst AIPPA provides for penalties of a Z\$400,000 fine or a two year jail term, the new Act states that anyone convicted under section 31 will be liable to 20 years in prison or a fine of Z\$2,500,000.

Section 33 of the Codification is similar in all respects to Section 16 of POSA, and deals with “undermining authority of, or insulting the President”. Under POSA, those convicted for such offences are liable to be fined Z\$20,000 and / or a one-year jail term. The Codification Act increases the penalties to a Z\$200,000 fine and / or one year’s imprisonment. When considering the Bill, the Parliamentary Legal Committee noted that Section 33 was unconstitutional. However, Parliament chose to reject the committee’s report.

General Laws Amendment Bill

This Bill – currently before Parliament’s Legal Committee - seeks to tighten POSA still further by increasing the penalties for those convicted. The Bill, that aims to amend several other Acts, affects 22 sections of POSA. The proposed amendments seek to increase the fine imposed under Section 16 of POSA (insulting / undermining the authority of the president) from Z\$20 000 to \$2 million. The penalty for those convicted under Section 15 (false statements) will now be Z\$10 million and / or five years in prison. The maximum fine for unauthorised public gatherings (section 24) will increase to Z\$10 million.

The Official Secrets Act (OSA)

The OSA is a pre-independence statute that seeks to limit what official information can be made public. The Act prohibits communication of any official information by any civil servant. Communication of such information by anyone who state officials may have entrusted with it in confidence is also a crime. Under the Act, it is an offence to communicate official information unless authorised to do so by a competent authority. However, the Act does not say which authority can authorise the disclosure of official information.

OSA also criminalises communication with “foreign agents”, the definition of who includes people suspected of having committed crimes in Zimbabwe or elsewhere that are prejudicial to the state. At times the Act has been used to cover up the blunders and improprieties of government officials.

Criminal Defamation

In civil defamation, a defendant found liable would be ordered to pay damages to the plaintiff. In criminal defamation, the state brings a prosecution, and anyone convicted of this crime may be ordered to pay a fine, perform community service, or sent to prison. A defamatory statement will only attract criminal liability if it is considered so serious that a criminal prosecution is justified. In assessing such seriousness, the court will take into account factors such as:

- The extravagance of the allegation
- The extent of the publication
- Whether the interests of the state or community are likely to be harmed

The owner and editors of the Financial Gazette were convicted of criminal defamation in 1995, when the paper reported that President Mugabe had secretly married his secretary Grace Marufu – now Grace Mugabe - in a private ceremony solemnized by High Court Judge Paddington Garwe.

Free expression and the judiciary

Prior to 2000, both the Supreme Court and High Court benches were considered to be impartial. The following freedom of expression cases were determined during this period:

Ray Choto and Mark Chavunduka Versus the State

Choto and Chavunduka - journalists working for the privately owned Standard newspaper - were arrested and charged under the Law and Order Maintenance Act (LOMA) for publishing statements likely to cause public alarm or despondency. They had written about an alleged coup attempt. The Constitutional Court nullified the section of LOMA under which they were charged.

Capital Radio versus the Minister of Information and the Zimbabwe Broadcasting Corporation

In 2000, Capital Radio, a private radio station, successfully challenged the broadcasting monopoly of ZBC on the basis that it violated the right of free expression under section 20(1) of the Constitution. The Supreme Court later ruled that Capital Radio was allowed to broadcast. However, when the station went on air, armed soldiers and police confiscated its equipment.

After 2000, the government purged the judiciary, and Chief Justice Antony Gubbay was forced to resign together with a number of white Supreme Court judges. They were replaced by political appointees, the impartiality of who has been questioned at times. The High Court or the Supreme Court have heard the following freedom of expression cases since 2000:

Geoff Nyarota and Lloyd Mudiwa versus the State

Nyarota and Mudiwa of the Daily News challenged the constitutionality of the section 80(1)(b) of AIPPA, under which they had been charged with writing a false story. The state conceded that 80(1)(b) was unconstitutional, and the Supreme Court nullified this section of the law. This started an apparent trend whereby the court nullified only sections of laws that the state conceded to.

Associated Newspapers of Zimbabwe (Pvt) Ltd versus The Minister of State for Information and Publicity, the Media and Information Commission and the Attorney General. Supreme Court 20/03

In this case, the court refused to hear the application brought by ANZ challenging certain sections of AIPPA. The unprecedented refusal to hear a constitutional application was based on the ground that ANZ had "unclean hands" because the company had failed to comply with law whose validity they were challenging.

This marked the start of a series of protracted legal battles between ANZ and the authorities during 2003. The cases were as follows:

Associated Newspapers of Zimbabwe (Pvt) Ltd versus Chief Superintendent Madzingo and the Commissioner of Police, Harare High Court 157-03

After the "unclean hands" judgment, police invaded ANZ's offices and confiscated equipment. ANZ sought a provisional order to have police stationed at their offices to leave, and for the confiscated equipment to be returned. The provisional order was granted, but the police have refused to return the confiscated property.

Associated Newspapers of Zimbabwe (Pvt) Ltd versus the Media and Information Commission AIPP 1/03

Also following the "unclean hands" judgment, ANZ applied to the Media and Information Commission (MIC) for registration. The MIC refused to register the company, culminating in this appeal to the Administrative Court. ANZ won the case, but the MIC appealed to the Supreme Court. The appeal is still pending.

Associated Newspapers of Zimbabwe (Pvt) Ltd versus the Media and Information Commission AIPP 03/03

After the Administrative Court had ruled in favour of ANZ's registration, the MIC appealed. ANZ went to the Administrative Court to seek an order to be allowed to operate pending the appeal. Their application was granted, but it took another three orders before the police allowed ANZ to re-commence operations.

Other cases include the following:

IJAZ, Abel Mutsakani and Vincent Kahiya versus The Minister of State for Information and Publicity, the Media and Information Commission and the Attorney General – SC 136/02

The Independent Journalists Association of Zimbabwe (IJAZ) sought the nullification of sections 79, 80, 83 and 85 of AIPPA on the grounds that they were unconstitutional. The case was heard in November 2002, but it took fifteen months for judgment to be delivered. Chief Justice Godfrey Chidyausiku concurred with justices Cheda, Ziyambi and Malaba and declared that Sections 79(1)(d) and (2), Sections 80, 83 and 85 were constitutional. Section 79 deals with

the accreditation of journalists whilst section 83 outlaws the practice of journalism without accreditation. In his dissenting judgment Justice Wilson Sandura observed that the application for accreditation by a journalist is subject to approval by the Permanent Secretary and by the Minister of Information, which meant that accreditation was no longer an administrative matter only.

Chengetai Zvauya versus The State

A magistrate convicted Zvauya of Criminal Defamation after he wrote a story to the effect that the draft constitution had been printed prior to the consultative process that eventually took place. He appealed, and in this case the High Court quashed both his conviction and sentence.

Nonetheless, Magistrates have remained relatively impartial when interpreting the law. Magistrates acquitted all the following cases concerning contraventions of AIPPA:

- State versus Andrew Meldrum (Harare Magistrate Court)
- State versus Richard Musazulwa (Gweru Magistrate Court)
- State versus Kelvin Jakachira (Harare Magistrate Court)
- State versus Toby Harnder and Julian Simmonds (Norton Magistrate Court)

Unlike judges of the High and Supreme Courts, and the Presidents of the Administrative Court, who are appointed by the President, Magistrates are appointed on academic merit by the Public Service Commission. Magistrates are paid a pittance and do not enjoy the same perks enjoyed by judges. So magistrates have less to lose, and have not been in the habit of protecting the government.

Rising to the challenge

In February 2002, MISA-Zimbabwe established a Media Defence Fund (MDF) whose objectives are to promote and protect media freedom by offering legal assistance to media practitioners and media institutions. Two officers manage the fund. Journalists arrested under AIPPA and POSA have been assisted by the MDF. The fund also supported the ANZ and IJAZ constitutional cases. Amongst other things, the MDF assists lawyers with research work.

In June of the same year, MISA-Zimbabwe launched the Media Lawyers Network (MLN), whose purpose is to ensure that there is a pool of lawyers who can take on freedom of expression cases. MLN structures have been established in four major towns. Members of the MLN take part in MISA-Zimbabwe's advocacy committee's work, and receive information about media laws and best practice.

Conclusion

There exists little political will to create a supportive legal environment for the press, and therefore there is a need to create this will, particularly within the legislature, through campaigns targeting Parliamentarians. A clear constitutional provision for Freedom of Press would ensure better protection of the media in general and the right to freedom of expression in particular. With this in mind, there is need to establish and foster coalitions with like-minded organisations such as the National Constitutional Assembly (NCA), which has been campaigning for a new constitution.

The authorities in Zimbabwe do not like to be criticized by other African states. It is therefore necessary to lobby other African states to pressurise Zimbabwe to return to democracy. Using mechanisms available through the African Commission for Human and Peoples' Rights would be useful, too, as the Zimbabwean government usually reacts positively to issues raised at such a forum.

Wilbert Mandinde is MISA-Zimbabwe's Legal Officer

Media ownership in Zimbabwe

By Guthrie Munyuki and MISA-Zimbabwe

Context

Zimbabwe witnessed a gradual growth in privately owned print media during the 1990s. However, the enactment in 2002 of the Access to Information and Protection of Privacy Act (AIPPA), which introduced a stringent licensing regime for media houses, coupled with the country's economic meltdown, has stifled investment in the sector.

But, in spite of the economic constraints on private media (see the section on the 'Media business environment' elsewhere in this document), it is the print media licensing authority, the Media and Information Commission (MIC), that has brought about most closures of private publications in recent years. A case in point was the Weekly Times, deregistered by the MIC in February 2005 barely two months after it was launched. Such licensing decisions are likely to make anyone think twice about investing in the media industry.

Foreign ownership in media is restricted both by AIPPA and the Broadcasting Services Act (BSA), which applies to the broadcasting sector. Although the BSA allows for the licensing of private broadcasters, the licensing authority, the Broadcasting Authority of Zimbabwe (BAZ), has yet to license any radio or television stations that are not owned by the state. The restrictions on programming under BSA are such that it would be extremely difficult for anyone in the business of independent news and current affairs to broadcast in the current environment. Not that anyone in this line of business would be granted a license in the first place; BAZ is accountable to a government that is paranoid about subversion through the airwaves. This makes it unlikely that the BAZ would license anyone without the correct political credentials.

Those with such credentials have already begun to buy into those private print media that continue to operate. In October 2002, owner of the Financial Gazette, Elias Rusike, sold his controlling stake in the paper to a consortium of businessmen led by reserve bank governor Gideon Gono. Gono, a former Chair of the Zimbabwe Broadcasting Corporation, has been linked to the buy-out of another newspaper company, the Zimbabwe Mirror Group. Also implicated in the deal is the government's Central Intelligence Organisation (CIO). Meanwhile, in 2003, Africa Media Communications Holdings (AMCH) sold its stake in Africa Tribune Newspapers (ATN) to a group of journalists led by former ZANU-PF legislator Kindness Paradza.

Given this scenario, it is perhaps not surprising that a veil of secrecy surrounds the true identity of shareholders in many private media houses. Research carried out for this paper sought to get behind the veil. However, the Registrar of Companies is in a shambles, and few of the files we sought could be found. So it is still difficult to say for sure who's who in the media industry. It is ironic that an industry that is supposed to facilitate the free flow of information, and act as a watchdog on government, should be so opaque. Most easy to ascertain was the ownership structure of the Zimbabwe Newspapers, the government-controlled publisher of the Herald and Sunday Mail, which is listed on the Zimbabwe Stock Exchange.

What follows is an account, as far as could be established, of the ownership structures of Zimbabwe Newspapers (1980) Limited, Associated Newspapers of Zimbabwe (ANZ), The Independent Newspapers Group, New Ziana, the Zimbabwe Mirror Group, The Financial Gazette, Africa Tribune Newspapers, and the Zimbabwe Broadcasting Holdings. Also included are the circulation figures²² for newspapers published by the respective companies.

ZIMBABWE NEWSPAPERS (1980) LTD

Publishers of two dailies and five weeklies, "Zimpapers" also has a stake in the industrial-printing and packaging sector. The company was founded in 1980 after the government bought the majority shares from Argus Press of South Africa with a US\$ 6 million donation from the Nigerian government. Following the buy-out, the government proceeded to establish the Zimbabwe Mass Media Trust (ZMMT).

²² As provided by the Zimbabwe All Media And Products Survey (ZAMPS)

Zimpapers' core business is newspaper publishing and commercial printing. Zimpapers publishes the flagship national daily, The Herald, as well as the Sunday Mail, Chronicle, Sunday News, Kwayedza, Umthunywa, and The Manica Post. ZMMT was established to protect the public's shareholding in the newspaper stable with the Trust's major mandate being that of protecting the papers from political interference. Apparently ZMMT was dissolved in December 2001 to pave the way for another organization called Multimedia Investment Trust (MIT). The authorities are still to clarify the legal status and role of MIT.

The Zimbabwe Stock Exchange lists ZMMT and Old Mutual Life Assurance as the major shareholders in Zimpapers. The shareholding structure is as follows:

SHAREHOLDERS

Zimbabwe Mass Media Trust – 51.09%
Old Mutual Life Assurance – 23.80%
Intermarket Nominees – 3.38%
National Social Security Authority – 3.10%
Zimpapers Pension Fund – 2.28%
EFE Securities Nominees – 1.53%
Munich Reins, Co of Africa Ltd – 1.04%
Edwards Nominees Private Ltd – 11.36
NNR& FCA - 0.91%
Shara Sheperd – 0.82%
Glenhazel Investments – 0.69%

CIRCULATION

Daily Papers:-

The Herald - 45,000
The Chronicle - 20,000

Weekly Papers:-

The Sunday Mail - 60,000
The Sunday News - 18,000
Manica Post - 8,000
Kwayedza - 5,000
Umthunywa - 2,000

Competitive advantage: Zimpapers owns two printing presses in Harare and Bulawayo where they do their own printing in broadsheet.

ZIMBABWE BROADCASTING HOLDINGS (ZBH)

The Broadcasting Act of 1957 established the Rhodesia Broadcasting Corporation, which changed its name to the Zimbabwe Broadcasting Corporation at independence in 1980. The 1957 Act was in force until the enactment of the Broadcasting Services Act (BSA) in 2001. A major restructuring exercise in 2001 culminated in the Zimbabwe Broadcasting (Commercialization) Act. This split ZBC into two entities, ZBH and the state-controlled Transmedia, a signal transmission service provider. The Act was designed to enable the state broadcaster to operate on a commercial basis.

ZBH, however, continues to enjoy a monopoly in the broadcasting services industry through its radio and television stations, although a new law to regulate and open the airwaves was promulgated in 2001 – the Broadcasting Services Act.

The ZBH is wholly owned by the government and has eight Strategic Business Units (SBUs) that came into force after the launch of the so-called Vision 2030 in 2002 by former chair of the corporation, Gideon Gono.

The eight SBUs are Spot FM, Power FM, Zimbabwe Television, Sportnet, Radio Zimbabwe, National Languages, Newsnet, and Production Services.

ZBH has contracted Tansmedia, a Harare-based company, to be its signal carrier as ZBH tries to provide services to outlying areas of the country.

NEW ZIANA

The government has a 100 percent controlling stake in New Ziana Private Limited, formerly known as the Zimbabwe Inter-Africa News Agency, and the Community Newspapers Group (CNG). The government wholly owns New Ziana.

New Ziana runs a news agency and provincial newspapers that fall under the ambit of the CNG stable. It has plans to launch a television and a radio station.

AFRICA TRIBUNE NEWSPAPERS

African Tribune Newspapers (ATN) owns The Tribune - one of the four newspapers currently suspended by the Media and Information Commission - with nominal 100 shares in issue, and distributed as follows:

Kindness Paradza – 80%
Funny Percy Mushava – 5%
Stewart Gomwe – 5%
Blessing Magenga – 5%
Nevanji Madanhire – 5%

Before the Tribune was sold to ATN, businessman Mutumwa Dziva Mawere owned the paper through Africa Media Communications Holdings, a subsidiary of his Ukubambana Investments (UKI). Mawere is well connected to senior ruling ZANU-PF politicians. Paradza is a former ZANU-PF Member of Parliament, prior to which he was President of the Zimbabwean Union of Journalists. Mushava and Madanhire are journalists with no known political connections.

CIRCULATION

The registration of The Tribune has been suspended by the MIC and is not being publishing.

ASOCIATED NEWSPAPERS OF ZIMBABWE (ANZ)

ANZ are the publishers of the closed Daily News and Daily News On Sunday. ANZ has been involved in a protracted legal battle for an operating license since its closure by the MIC in September 2003.

ANZ was registered in 1998, when the founding editors Geoffrey Nyarota and Wilf Mbanga teamed up with Africa Media Investments (AMI) to launch a daily paper – The Daily News - and four provincial newspapers – The Tribune (Masvingo), The Dispatch (Bulawayo) The Express (Chitungwiza) and The Eastern Star (Mutare). The four provincial papers closed soon after their launch owing to financial problems.

Communications entrepreneur Strive Masiyiwa, the owner of Econet, one of Zimbabwe's cell phone providers, bought into ANZ in 2002 through his company Meditation Investments. Masiyiwa also has a stake in the ZIMind Publishers, the owners of the weekly Independent and Standard newspapers (see below). London-based media entrepreneur Derek Smail is behind AMI.

SHAREHOLDERS

Meditation Investments (Pvt) Ltd – 50%
Africa Media Investments – 32%
Diamond Insurance Company of Zimbabwe – 1%

The rest of the shareholding of 17% is spread among Southern Life Association, Intermarket Life Assurance, NDM Investments (Pvt) Ltd, Batanai Capital Finance (Pvt) Ltd, Dr Ali Mohamed and Judith Todd.

CIRCULATION

The registration of The Daily News and Sunday News have been suspended by the MIC and are not being published.

ZIMBABWE MIRROR NEWSPAPERS GROUP

Founded in 1997 by the Southern African Printing and Publishing House (SAPPHO), the newspaper group's shareholders are embroiled in a bitter ownership wrangle. Political Scientist Dr Ibbo Mandaza was at the helm of the group until a recent fall-out with his partners. Mandaza launched his first-ever newspaper, The Zimbabwe Mirror, in December 1997. Prior to that, SAPPHO published two regional research bulletins, the Southern African Political Series (SAPES) and the Southern African Political Economic Monthly (SAPEM).

From December 1997, Mandaza ran the Zimbabwe Mirror as a weekly, before turning it into a daily paper – The Daily Mirror – in 2001. He later conceived the idea of a publication that would reflect a Pan-Africanist and academic perspective, this culminating in the launch of the Sunday Mirror.

The current ownership structure of the Zimbabwe Mirror Newspaper Group is registered as follows:

Unique World Investments – 51%
Zistanbal – 19%
SAPPHO – 30%

It is believed that Zistanbal and Unique World Investments are linked to the CIO. Reserve bank governor, Dr Gideon Gono, also has a stake in Unique World Investments. Mandaza is on record saying that Zistanbul and Unique World Investments are linked to the secret service.

CIRCULATION

Daily Mirror print 5,000 - tabloid
Sunday Mirror print 3,000 - broadsheet

They are printed at Sovereign Publishers.

THE ZIMind PUBLISHERS

ZIMind Publishers (Pvt) Ltd, are the publishers of the Zimbabwe Independent and the Zimbabwe Standard.

Launched in the mid-1990s, ZIMind Publishers was originally owned by Mike Curling and Clive Wilson, who later sold their stake to a consortium of businessmen led by Masiyiwa – through his company Independent Media Group (IMG) - and one of the Independent's founding editors, Trevor Ncube.

IMG later sold most of its stake in the group to an investment vehicle, T S Holdings, fronted by Ncube, which is currently the majority shareholder in the Independent and The Standard. Ncube also owns one of South Africa's leading weekly newspapers, the Mail and Guardian. IMG retained a 5% shareholding in ZIMind.

The shareholding structure of ZIMind Publishers is as follows:

T S Holdings – 85%
IMG – 5%

Nominees – 10%

CIRCULATION

The Standard, circulation 35,000

The Zimbabwe Independent, circulation 30,000

Printed as tabloids at Tunatmore Printers.

THE FINANCIAL GAZETTE

Once rated as one of the best financial newspapers in southern Africa. The Financial Gazette has had a change of ownership in the past three years owing to the retirement of founding owner, Elias Rusike, from active journalism.

Rusike's Hamba Investment sold its entire stake to a group of businessmen led by former Editor-In-Chief Francis Mdlongwa, who had teamed up with Sylvester Saburi and Solomon Mtetwa. However, the consortium failed to raise enough money and Octadew, an investment company linked to Gideon Gono, snapped the stake.

Although Gono has not publicly acknowledged that he is the owner of The Financial Gazette, his Editor-In Chief, Sunsleey Chamunorwa, implied that Gono is the sole owner of the paper when he wrote to refute allegations that the CIO held shares in the company.

The real ownership of the paper is shrouded in mystery, although Gono is said to own 70% and nominees - who include lawyer Florence Ziumbe and businessman Jonathan Kadzura - hold the remaining 30 %.

CIRCULATION

Financial Gazette, circulation 26,000

Printed in tabloid at Tunatmore Printers

Conclusion

Unless stated, the political affiliations of shareholders named above cannot be easily ascertained as they are not known to hold any positions in the country's political parties, nor have they openly declared their political interests.

However, there is evidence to suggest that those within the ruling ZANU-PF party appear are consolidating a grip on the private media. This is in addition to the influence ZANU-PF exerts through the government's ownership of the countries largest newspaper group and its only broadcasting stations. If true, the involvement of the security services in the private media follows the example set by the apartheid regime in South Africa, whose security agents secretly established newspapers in South Africa and Botswana during the liberation struggle, as a way of trying to influence public opinion.

Guthrie Munyuki is a journalist and worked for the Daily News

APPENDIX A

African Commission on Human and Peoples' Rights

Declaration of Principles on Freedom of Expression in Africa

Adopted at the 32nd Ordinary Session of the African Commission on Human and Peoples' Rights held in Banjul, The Gambia, from October 17 – 23, 2003

Preamble

Reaffirming the fundamental importance of freedom of expression as an individual human right, as a cornerstone of democracy and as a means of ensuring respect for all human rights and freedoms;

Reaffirming Article 9 of the *African Charter on Human and Peoples' Rights*;

Desiring to promote the free flow of information and ideas and greater respect for freedom of expression;

Convinced that respect for freedom of expression, as well as the right of access to information held by public bodies and companies, will lead to greater public transparency and accountability, as well as to good governance and the strengthening of democracy;

Convinced that laws and customs that repress freedom of expression are a disservice to society;

Recalling that freedom of expression is a fundamental human right guaranteed by the *African Charter on Human and Peoples' Rights*, the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*, as well as other international documents and national constitutions;

Considering the key role of the media and other means of communication in ensuring full respect for freedom of expression, in promoting the free flow of information and ideas, in assisting people to make informed decisions and in facilitating and strengthening democracy;

Aware of the particular importance of the broadcast media in Africa, given its capacity to reach a wide audience due to the comparatively low cost of receiving transmissions and its ability to overcome barriers of illiteracy;

Noting that oral traditions, which are rooted in African cultures, lend themselves particularly well to radio broadcasting;

Noting the important contribution that can be made to the realisation of the right to freedom of expression by new information and communication technologies;

Mindful of the evolving human rights and human development environment in Africa, especially in light of the adoption of the *Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights*, the principles of the

Constitutive Act of the African Union, 2000, as well as the significance of the human rights and good governance provisions in the New Partnership for Africa's Development (NEPAD); and

Recognising the need to ensure the right to freedom of expression in Africa, the African Commission on Human and Peoples' Rights declares that:

I

The Guarantee of Freedom of Expression

1. Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.
2. Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.

II

Interference with Freedom of Expression

1. No one shall be subject to arbitrary interference with his or her freedom of expression.
2. Any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary and in a democratic society.

III

Diversity

Freedom of expression imposes an obligation on the authorities to take positive measures to promote diversity, which include among other things:-

- availability and promotion of a range of information and ideas to the public;
- pluralistic access to the media and other means of communication, including by vulnerable or marginalised groups, such as women, children and refugees, as well as linguistic and cultural groups;
- the promotion and protection of African voices, including through media in local languages; and
- the promotion of the use of local languages in public affairs, including in the courts.

IV

Freedom of Information

1. Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.
2. The right to information shall be guaranteed by law in accordance with the following principles:
 - everyone has the right to access information held by public bodies;
 - everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right;

- any refusal to disclose information shall be subject to appeal to an independent body and/or the courts;
 - public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest;
 - no one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society; and
 - secrecy laws shall be amended as necessary to comply with freedom of information principles.
3. Everyone has the right to access and update or otherwise correct their personal information, whether it is held by public or by private bodies.

V

Private Broadcasting

1. States shall encourage a diverse, independent private broadcasting sector. A State monopoly over broadcasting is not compatible with the right to freedom of expression.
2. The broadcast regulatory system shall encourage private and community broadcasting in accordance with the following principles:
 - there shall be equitable allocation of frequencies between private broadcasting uses, both commercial and community;
 - an independent regulatory body shall be responsible for issuing broadcasting licences and for ensuring observance of licence conditions;
 - licensing processes shall be fair and transparent, and shall seek to promote diversity in broadcasting; and
 - community broadcasting shall be promoted given its potential to broaden access by poor and rural communities to the airwaves.

VI

Public Broadcasting

State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government, in accordance with the following principles:

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

VII

Regulatory Bodies for Broadcast and Telecommunications

1. Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.
2. The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party.
3. Any public authority that exercises powers in the areas of broadcast or telecommunications should be formally accountable to the public through a multi-party body.

VIII *Print Media*

1. Any registration system for the print media shall not impose substantive restrictions on the right to freedom of expression.
2. Any print media published by a public authority should be protected adequately against undue political interference.
3. Efforts should be made to increase the scope of circulation of the print media, particularly to rural communities.
4. Media owners and media professionals shall be encouraged to reach agreements to guarantee editorial independence and to prevent commercial considerations from unduly influencing media content.

IX *Complaints*

1. A public complaints system for print or broadcasting should be available in accordance with the following principles:
 - complaints shall be determined in accordance with established rules and codes of conduct agreed between all stakeholders; and
 - the complaints system shall be widely accessible.
2. Any regulatory body established to hear complaints about media content, including media councils, shall be protected against political, economic or any other undue interference. Its powers shall be administrative in nature and it shall not seek to usurp the role of the courts.
3. Effective self-regulation is the best system for promoting high standards in the media.

X *Promoting Professionalism*

1. Media practitioners shall be free to organise themselves into unions and associations.
2. The right to express oneself through the media by practising journalism shall not be subject to undue legal restrictions.

XI *Attacks on Media Practitioners*

1. Attacks such as the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, as well as the material destruction

of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public.

2. States are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies.
3. In times of conflict, States shall respect the status of media practitioners as non-combatants.

XII

Protecting Reputations

1. States should ensure that their laws relating to defamation conform to the following standards:
 - no one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances;
 - public figures shall be required to tolerate a greater degree of criticism; and
 - sanctions shall never be so severe as to inhibit the right to freedom of expression, including by others.
2. Privacy laws shall not inhibit the dissemination of information of public interest.

XIII

Criminal Measures

1. States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society.
2. Freedom of expression should not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and there is a close causal link between the risk of harm and the expression.

XIV

Economic Measures

1. States shall promote a general economic environment in which the media can flourish.
2. States shall not use their power over the placement of public advertising as a means to interfere with media content.
3. States should adopt effective measures to avoid undue concentration of media ownership, although such measures shall not be so stringent that they inhibit the development of the media sector as a whole.

XV

Protection of Sources and other journalistic material

Media practitioners shall not be required to reveal confidential sources of information or to disclose other material held for journalistic purposes except in accordance with the following principles:

- the identity of the source is necessary for the investigation or prosecution of a serious crime, or the defence of a person accused of a criminal offence;
- the information or similar information leading to the same result cannot be obtained elsewhere;

- the public interest in disclosure outweighs the harm to freedom of expression; and
- disclosure has been ordered by a court, after a full hearing.

XVI *Implementation*

States Parties to the African Charter on Human and Peoples' Rights should make every effort to give practical effect to these principles.

APPENDIX B

Future Strategies for Supporting Freedom of Expression in Zimbabwe 11 & 12 April 2002 Sunnyside Park Hotel, Johannesburg

Recommendations and Action Plan

Civil Society Communications Initiatives

Strategy:

- Promotion of an effective communications strategy by civic groups
- Promotion of human rights/activist journalism on general and freedom of expression issues to propagate understanding and support for a human rights culture

Actions:

- Conduct an audit of existing communications initiatives
- Develop longer-term strategies and activities based on discussions at the Sunnyside meeting.
- Convene a meeting of broad civic groups to coordinate future strategies.

Task Team:

- Kathy Bond-Stewart (Convenor)
- Reginald Matchaba-Hove
- Munyaradzi Bidi

Time Frame: 30 April 2002

Litigation and Legal Challenges

Strategy:

- Harmonisation of litigation and legal challenges to legislation (Via test-case committee)
- Enhancement of the independence of the judiciary
- Promotion of the practice of strategic human rights litigation
- Development of effective advocacy around litigation
- Increased availability of legal defence and litigation funds

Actions:

- Identify key players and expertise
- Convene a meeting of key players
- Identify specific sections of legislation to challenge and appropriate litigation.
- Initiate SADC Judicial Forum
- Produce guide to freedom of expression laws

Task Team:

- Sarah Chiumbu
- Fatou Jagne
- Shadrack Gutto
- Fidelis Kanyongolo

**Time Frame: Letter to Gutto – 15 April 2002
Other 30 April 2002**

Support to Media and Journalists**Strategy:**

- Promotion and strengthening of journalists organisations and other media forums
- Increased diversity and capacity of media outlets
- Encouragement of voluntary and independent media council and codes of ethics
- Promotion of professional journalism harmonised training programmes
- Development of training on conflict reporting and peace building

Actions:

- Explore opportunities for establishing editors and publishers forums
- Explore opportunities for strengthening existing journalist associations/unions
- Convene meeting on media training strategies

Task Team:

- Sarah Chiumbu
- Andrew Moyse

Time Frame: 7 May 2002

Appendix C

QUESTIONNAIRE

A questionnaire was e-mailed to those invited to attend the International Conference on Media Support Strategies for Zimbabwe. This was with a view to gauging the initial views of potential participants on existing and future strategies for supporting free expression and access to information in Zimbabwe. This would compliment and direct subsequent one-on-one interviews with key informants undertaken in the run-up to the conference. A total of 14 completed questionnaires were received from the +/- 40 questionnaires that were sent out. Responses contained in the completed questionnaires are presented below. The responses have been arranged per question according to the three categories of delegates being invited to the conference – representatives of Zimbabwean media and freedom of expression organisations, donors, and international media support organisations.

1. What would you say are the main factors influencing the international community's response to the current political and human rights situation in Zimbabwe?

Zim media

The blatant subversion of the rule of law by the Mugabe regime. This manifests itself in the continued seizure of commercial farms, introduction of self-serving and oppressive legislation, intimidation and harassment of perceived enemies of party and government (journalists, political activists, civil society members, business people) etc.

The other reason is the dramatic collapse of the economy seen the hyperinflationary environment, shortage of fuel and basic essentials and widespread hunger.

The source of the energy of the international community is that Zimbabwe's struggle for independence was a well-supported one. The same international community put so much in terms of resources and goods in the first 15 years of independence and could point with great satisfaction to the tangible results of their efforts – a solid accessible education system; excellent primary healthcare; a sound agricultural base etc.

I believe that the international community's response to the Zimbabwean tragedy is largely driven by the media focus on the country and a strong opposition, at least

Donors

Governments in the North:

- the repressive situation in the country: the deteriorating human rights situation, lack of rule of law, decline of the economy and thus standards of living and clamp down on freedom of expression.

Governments in the South:

- the historical alliances between the key players in Africa
- opposition to western policies and views

The lack of clarity on the political scenario and perspectives in and for Zimbabwe has kept funders jumping from date to date and has hampered the development of long-term strategies. The lack of

Media support organisation

The Zimbabwean government's measures to prevent any international organisations working in Zimbabwe is problematic for us.

South Africa's and other African governments failure to condemn the situation makes things difficult. There are now some many Human Rights communications on Zimbabwe that the international process has stalled!

My over five years experience with the international community's responses to crisis situations is that they tend to take time to act mainly because of the problem of verifying the information

until recently. It is clear to me that the international community still believes Zimbabwe can be turned around, and the hope is obvious in the various media articles written in international journals.

The presence of a strong opposition has also been another key factor in nudging the international community towards seeking a resolution of the Zimbabwean question.

If we are to break down the "international community" to focus on Africa, I believe that there is a general numbness exhibited towards Mugabe's tyranny because of shared fears and experiences (land, liberation wars etc). Those fears and experiences have come between seeking a solution to the crisis and preserving Mugabe's rule.

The main factors influencing the international community's response, in my view, is the media. Though incarcerated by Robert Mugabe's oppressive media laws, the media still has access to people in and outside government structures who are tired of the government's bad governing policies. The media continues to write about issues affecting Zimbabwe eg when we look at the plight of the poor people affected by Operation Murambatsvina, it was the international and local media that highlighted their plight. The opposition MDC and civic groups yes have played a major role in informing the international community about events in the country but I think the media is more crucial in letting the world know and make informed choices about events taking place in Zimbabwe.

media militancy inside Zimbabwe has forced funders to remain with the very narrow ambit of funding rules in Zimbabwe. Clandestine operations are rare.

- Polarisation
- Lack of tolerance of contending views
- Lack of dialogue between CSO and government
- Imbalance of power between the legislature, executive and judiciary
- Restrictive legislation
- Lack of checks and balances in the democratic institutions etc

provided. In the case of Zimbabwe, the international community has been involved for quite sometime because they have been constantly and consistently been bombarded with information around what is happening. Given the position taken by the government of Zimbabwe, it would not have been surprising if the international community had given up, but they have continued to engage, even when there is very little progress being achieved. This is very encouraging and commendable, as Zimbabwe is not the only country in crisis. I certainly believe that their motivation is that of seeing the country return to democratic rule and the rest of human rights. I wish the same could be said about the African community, especially the neighboring countries.

Intransigence of Zimbabwean government;

Unwillingness of certain countries to be fully engaged due to accusations of being viewed as colonial or imperial oppressors

The difficulty for press freedom organisations of working in a closed media environment;

The failure of African leaders and the African Union to speak out against the policies of the Zimbabwean government;

The need for the NEPAD process to be both mandatory and comprehensive;

The need for better coordination among local, regional and international press freedom organisations;

The lack of coordination and strategy among IGOs (UN, EU, AU and Commonwealth);

The lack of an independent judiciary; and the fact that

The war on terrorism and the war in Iraq are currently engaging the international community and Zimbabwe is perceived as a lower priority.

'International community' is such a diverse term e.g. Western nations, EU, NORDEC, PAC, UN etc; their responses are as varied as their politics.

Western governments appear intimidated by the 'anti-imperialist race card' that is constantly being waved by Mugabe. There also seems to be a perceived fear that his regional (African) counterparts back Mugabe as none of them, most notably Thabo Mbeki have made any attempts to censure or rein him in.

It may be perceived that Zimbabweans themselves both in-country and those in the Diaspora (an estimated third of the population) have not done enough to resolve the situation in Zimbabwe. This inertia would appear to include the MDC and civic society.

The Zimbabwean story has taken a back seat to events in Iraq, and the many natural disasters that have recently taken place globally. It is now 'old news'.

There were constant visual reminders in the media of what was taking place in Rwanda, Darfur, Sierra Leone etc but the Zimbabwe government through its assault on the media has successfully strangled the outflow of information and imagery to the outside world. With few exceptions there is a marked absence of accurate info being generated within Zimbabwe to the outside world. The scale of the tragedy unfolding in Zimbabwe is largely hidden from the outside world. Zimbabweans are dying daily from starvation, lack of adequate medical facilities and AIDS related illnesses. But thousands of people were seen to die in Darfur, Rwanda etc, whereas only a 'handful' of deaths 'appear' to have taken place in Zimbabwe.

Western nations don't seem able to identify with the Zimbabwean situation; it is generally viewed as an unknown quantity. Neither do they appear to realise the truly adverse affects of the Zimbabwe situation on the Southern African region as a whole.

Increased migration of Zimbabweans to the Diaspora also appears to have some influence as the three main countries affected by this, namely Britain, Australia and

I think that there are several factors that partly interact, and partly operate separately from each other. To try to systematise. I would say that there are two main factors, one internal Zimbabwean, and one external from outside the country. The internal consist of on the one hand the governments various actions - e.g. intimidation and rigging of elections; Operation Clean Up; banning of papers; and general authoritarian behaviour. On the other hand there are the activities of various opposition groups and parties, where MDC represents one element, that is perceived with a certain ambiguity, the role of the other many civil society and NGOs groups, and the independent press however have a much more positive image. As for the internal influence both factors influence the reporting by diplomatic missions inside Zimbabwe, where I know that the government and sources sympathetic to ZANU(PF) is doing its utmost to try to influence the attitude of foreign embassies in Zimbabwe.

Externally Zimbabwean exiles play a significant role, such as The Zimbabwean, plus many individuals and organisations. Furthermore the constant international media coverage of Zimbabwe plays an important role also as pressure on politicians. In addition the role of international NGOs that have been working in Zimbabwe and their lobbying in their home countries should not be overlooked, nor the many international academics who have worked in and written on Zimbabwe.

New Zealand appear to be the most outspoken against the Mugabe regime.

Initially fatigue - but Murambatsvina changed all that and it became plain to the international community that civil society, especially activist organizations should be assisted. There does appear to be a hardening of the international community's attitude to ongoing excesses of govt such as the latest constitutional amendments

One of the obvious answers is that there are serious human rights violations in Zimbabwe that started in 2000. And the international community feels it has an obligation to assist human rights organisations and victims to cope with this situation. This interests also includes the engagement with the Zim government through a number of forums and strategies, such as consultations, diplomacy, sanctions etc. Zimbabwe is now a basket case which, like Darfur and others in Africa, the international community feels it must address. More importantly, however, is the potential that Zimbabwe has to drive the region forward with the rest of other countries. The problems in Zim have impacted negatively on the development of the region, both economically and democratically. Zim is a bad example on many issues especially the land reform which might be replicated in Namibia and South Africa. There global interests of capital, i.e. many Western companies have been doing business in Zim in areas such as mining, agriculture, tourism, manufacturing etc, the crisis in Zim has affected the business environment and hence the interests of such governments to stabilise the situation in Zimbabwe. By the international community I assume you refer to the USA and Europe as the rest of the world is rarely referred to as the International Community.

I think the international community in this instance would have to be specified to either being the African Union, the 'third world' and the West because they all have

somewhat different responses and different reasons for thinking they way they do about Zimbabwe's problems. With the African Union, I think it is primarily guided by the anti-colonial sentiments and the overall respect they accord Mugabe as a liberation war hero, as well as guided by previous engagements and assistance that Mugabe might have provided at the height of Zimbabwe's economic stability. There is also generally the desire by most African heads of state to be seen to be respecting the sovereignty of Zimbabwe and avoiding to be seen meddling in its internal affairs and not echoing the views of the West in the same language.

As for the 'third world' i would hazard to say that some of the leaders of Latin American and Caribbean countries are not really keen on Zimbabwe except in times convenient for anti-imperialist rhetoric (Venezuela, Cuba) but most are too busy negotiating their own interests with the western powers to want to get involved with the Zimbabwean crisis at a level beyond that which exists already.

The west primarily became interested in the Zimbabwean crises as a result of the latter's rapid deterioration and the seeming race-based nature of the land reforms, together with Mugabe's own rhetoric against imperialism and their global ideological positions on spreading liberal democracy. They are also informed through their various aid agencies and international NGO's that place democratization and democracy at the heart of their work in Zimbabwe. Overall, then, one could argue that the Western powers are more in touch with the situation on the ground in Zimbabwe and they have a keener interest in what goes on here.

2. What opportunities exist for advancing free expression and access to information for Zimbabweans in the next four years?

Zim media

The present government will not relent. Only guerrilla tactics like ones used by Zvakwana/Sokwanele will give Zimbabweans a measure of freedom and access to some basic information that

Donor

The scenario we have chosen is if the situation does not change in next 4 years:

- small initiatives operating at a grassroots level, led

Media support organisation

Our major focus will be facilitating the opportunity for the development of a private broadcasting sector in Zimbabwe.

the state and its machinery deny them.

by small organizations and sometimes informal structures.

- linking up the activities of the external projects (in South Africa and the UK) with initiatives in Zimbabwe so that they can have more impact in the country
- ensuring that professionalisation of the media does not deteriorate during this period in relationship to the quality of reporting and journalism and with respect to their management such as distribution of newspapers for example and access to frequencies, etc.

Regime change is probably the only way in which we will be able to re-engage and work towards an enabling environment inside the country

Free expression and media freedom can only come when there is a government which accepts and embraces democratic values and norms.

I think if ever there will be a change in how Zimbabwe deals with its media, it will come during the Presidential elections in 2008, if ever they are held.

Whatever government takes over power will immediately be confronted by the question of liberating the airwaves, allowing newspapers to publish freely and this can only happen when the country abolishes laws like AIPPA and the Broadcasting Services Act.

I believe that before these evil laws are repealed, then there will not be any room for the advancement of free expression. This is not to say people should give up the fight, and organisations like New Zimbabwe.com and The Zimbabwean, have demonstrated that there are ways of circumventing these evil edifices.

The current funding climate hardly justifies major investments within the country. Opportunities are therefore predominantly outside the country in the support to media practitioners, the independent information about Zimbabwe and the production of independent information for consumption inside Zimbabwe. Major vehicles for transmission into the country are lacking, in particular independent radio transmitting from neighboring countries or with clandestine radio or WiFi transmission inside the country.

I think the opportunities are likely to be at the grassroots level; far removed from the spotlight and international glow and even the sight of central government. I believe the rural communities offer the best opportunity for advancing free expression in the long run as they are the ones likely to be easily mobilized as the reach of the state is far from them. The little time I have spent in the village has made me realize that the so evident polarization of people on political lines, is not that evident at the village level.

The opportunities are vast, in my views. I think the Zimbabwe government has never been so weak with the massive shortaged of foreign currency and in the absence of Jonathan Moyo. No other minister in Zimbabwe has gone out of his way to want to claim so much power to himself or herself. Moyo was ruthless and Mugabe won't be able to find another one of his ilk. I think it is up to us as journalists to see how much pressure we can exert on the Zim govt from in and outside the country. I have heard stories of the Zanu PF information department trying to lure back the international media back into the country

Limited but the need is there

If press freedom organisations can achieve better channels of communication with the IGOs, it might be possible to apply concerted pressure; however, given the Zimbabwean government's dismissive attitude towards outside attempts at change, this should only be viewed as a possibility.

The only realisable hope for change is from within the country itself: through success in the courts on press freedom issues, greater debate in parliament on freedom of expression and in empowering the local media and civil society to speak with a

– Nathan Shamuyarira in particular. They know the game will be up soon. They want to get back into the international fold and it is up to us to take advantage of their weakness to make them repeal AIPPA and other retrogressive laws. Of course there will be others who may want to hold on to such laws because they have benefited from them but if Mugabe goes, I do not think there will ever be another leader as strong and as ruthless as him. Also one major opportunity that I think should be tapped into are the journalism training schools in Zimbabwe like the Harare Polytechnic to make sure the graduates coming out of there do not have poisoned minds. I have heard of Border Gezi youths being offered training places at the Mass Communications Department. With outside help in training, the tutors, I'm sure will be happy to get someone from outside teaching them good journalism and the need for free expression in the country. They need assistance with machinery and all so that can also come with guest teachers from outside from time to time I think.

Increased funding to external reputable independent media, such as The Zimbabwean, ZW News, SWRA.

More support for internal underground resistance groups such as Zvakwana and WOZA (Woman of Zimbabwe Arise).

Support for development of independent radio production houses e.g. Fr Oskar Wemter in Harare and Fr. Nigel Johnson in Bulawayo) to include training of journalists.

Very limited given repressive laws - but support for effective private and civic media initiatives; assistance in planning and development of these, including Zvakwana-type (underground)

I am not sure about the total existing support to the media sector but I believe less focus on journalist training, more focus on legal support, lobbying and monitoring. Also maybe production support for independent media? In normal circumstances we would probably not be in favour of that but for Zim at present that might something to consider.

single voice on the issue of press freedom and freedom of expression.

The opportunities are of two kinds. One consists of constant pressure from the outside in the form of reports on violations and constant pressure by freedom of expression organisations (IFEX, RSF, Index, Article 19) as well as professional media organisations (IFJ, MISA). This should also include pressure on governments particularly in neighbouring countries. In addition media initiatives that aim at reaching Zimbabwe from the outside is a possibility, but it is difficult - both in the form of radio and print media.

Furthermore constant reporting on the situation in Zimbabwe is essential, not only as regards freedom of expression issues but also general political and economic conditions.

The other kind is internal - constant support to all forms of attempts to keep independent voices alive - newspapers, magazines, media monitoring projects. And support to internal organisations working for freedom of expression.

But unless there is political change, I am not very optimistic.

publications and their effective distribution. Support for effective civic initiatives promoting free expression and media diversity...Lobbying regional and international fora to pressurize govt to reform laws.....

Free expression and access to information has been seen as confined to the media as we know it, newspapers, journalists, TV, magazine etc, but in a crisis situation such as in Zimbabwe, Freedom of Expression has to be expanded to mean all means and ways of being heard, that includes the right to demonstrate, picket, protests, sing, write, access to internet, access to information of social issues that include food, housing, HIV-AIDS, education. There are opportunities to mobilise communities around these issues, which touch people's lives on a daily basis.. These opportunities include working with churches and the broader civil society to address information needs of communities. In other words we must broaden our definition of access to information beyond newspapers and journalists.

These can fall foul of the "law" anytime and can be shut down and journalists arrested, the Zim governments position is "so what are you going to do". And for the ordinary person who cannot afford to buy a newspaper and if that paper is shut down, the question is, so what?. Media freedom and freedom of expression and such rights must be tied to the broader struggle for democracy in Zim not at a political level only but also on social and economic rights issues which ultimately touch on politics. Opportunities are there in expanding our constituency and also defending the remaining media houses through information dissemination, legal challenges etc.

Opportunities are hard to come by in Zimbabwe, but there are some opportunities that can be indicated largely by political events, such as the Presidential election slated for 2008 (might be held in 2010 in conjunction with the parliamentary elections), which might present an opportunity for a change of government as the most apparent opportunity. This would entail a government that would be then able to change laws such as the Access to information and Protection of Privacy Act. The other opportunities are largely to be self-made by people interested in FOI and FOE. This would mean continued galvanizing of the public through meetings, pamphlets, self empowering community radio and community media initiatives, regional and

international lobbying. These are opportunities that frequently avail themselves but will require consistent action. But I suppose it must be made clear, there are not obvious opportunities, one has to work her/his way around the repressive environment and be very, very imaginative.

3. How can these opportunities be best realised?

Zim media

Donors must now learn to take risks. The same efforts they made during the anti-Apartheid struggle must be the same ones they use now. Supports underground movements; hold high-profile events to highlight the Zimbabwe plight; name and shame Zimbabwean looters and violators of human rights etc...

Some serious lobbying and pressure is necessary to be applied both on the current and any future governments to repeal dangerous laws that inhibit the operations of the media. Opposition parties, regional governments and international bodies like the United Nations and European Union should be approached in order that they publicly criticise the government of the day, and hopefully lead to a change in the law.

All these opportunities can be realised if the donor community works with all organisations representing the media in Zimbabwe, including students. I do not know how far true it is, but I have also heard that the current information minister has an open door policy for all journalists in Zimbabwe. If true, I think it will be another opportunity that can be exploited to coerce him into asking his colleagues to repeal oppressive media laws that do not create a conducive environment for a

Donors

- *through continued solidarity from region and international community
- * through increased activism within the country
- * for larger Zimbabwean organizations to operate with a mandate from community groups and that their strategies are linked to needs in communities
- * strive for a balance between providing support to groups in the way one does under an emergency situation (quick support, few conditions, tendency to focus less on quality of work and developed structures etc.) and between demanding and encouraging sound strategies and practices.

By jumping on them and increasing *media courage* in Zimbabwe...

Strengthen institutions, broaden the reach beyond journalists to include communication officers in CSO, Use non controversial entry points etc.

Media support organisation

Our communication to the African Commission is an effective way of doing this, although it will be a slow process. There may also be some opportunities to lobby the Broadcasting Authority of Zimbabwe, and working with partner organisations such as MISA Zimbabwe is a very important way for us to achieve this.

Community level advocacy to me seems the best way forward. I strongly believe the work of CSOs and CBOs should be encouraged and ways found of engaging the people at the level on issues of free expression. I would be interested in getting exposed to the work being done by ACPD in the communal areas to see if what I hear is happening can be replicated.

I believe the opportunities internally are absolutely dependent on dedicated Zimbabweans inside the country, and they face a formidable task. It is also necessary that they receive sufficient support. The question is how financial support can be channeled into the country. To constantly try to keep the support for free media initiatives going - newspapers, magazines, organisations - is essential.

The support for media in exile is important as it keeps the pressure up, but the radios have limited coverage being on

free press and free expression. I think the new minister with all the exposure he has had working in New York can actually be a major opportunity if people worked together. One thing for sure is that media workers in both the independent and state media are suffering and would want us to go back to the good old days where at least, though poor, we could talk to each other and drink together without being fearful of being spotted together by Jonathan Moyo.

Increased funding to SWRA would enable it to counteract the Zimbabwean government's attempts to block it, e.g. shortwave multi-frequency broadcasts to outwit jamming.

Fund clandestine projects that enable more Zimbabweans to access independent information, e.g. distribution of free wind-up radios, production and distribution of flyers, cassettes and other media.

Create production houses in Zimbabwe that could identify those with an aptitude for radio production and presentation. These individuals could be trained in South Africa (preliminary discussions with the BBC have indicated their interest in this) they could then return to Zimbabwe and the best candidates could be employed in these production facilities to create programming that could be sent to SWRA, VOA and community radio stations in the region. The emphasis would be on high quality programming that would be non-sensitive ie: farming, HIV, culture, arts, music etc. This would provide a pool of employed radio journalists in Zimbabwe who would form the immediate backbone of independent radio/community stations come the day there is a free media. It would eliminate the vacuum that currently exists. Equipment and a commitment to community radio already exists in the two outlets identified.

Support for effective private and civic media initiatives; assistance in planning and development of these, including Zvakwana-type (underground) publications and their effective distribution. Support for effective civic initiatives promoting free expression and media diversity...Lobbying regional and international fora to pressurize govt to reform laws

We need to identify the information needs of each constituency,

short wave, which few people have, and being jammed. The Zimbabwean reaches the urban and the wealthy inside, but is important as a symbol.

Comprehensive joint proposals from the media actors and comprehensive responses from the donor community?

i.e. labour, NGO's, churches, media rights groups such as MISA and develop mechanisms on how these can be addressed. i.e. an interdenominational newsletter that is published every two weeks and distributed in all languages throughout the country, addressing issues of democracy, food, health, education etc. MISA and others have activities on the ground such as the Community Radio Initiatives where we are already mobilising communities, MMPZ has the Public Information Rights, MISA also has the media defence fund and media lawyers network, we also need to work closely with short-wave radio stations such as VOP and studio 7 on human rights campaigns, MISA and VOP were in discussions around these but have been hamstrung by resources. The same can be done with VOA/Studio 7 which as MISA we also have a significant influence on its programming.

These opportunities can be realized through consistency in the work being undertaken by activist organizations, continued linkage with a people-centered advocacy framework, and a defiance of existing state laws that seek to undermine freedom of information and expression

4. A significant amount of donor money has been spent promoting free expression and access to information in Zimbabwe in recent years. Has the money been well spent? (Please explain your answer, citing your own experiences where possible).

Zim media

My major disappointment with donors (this also answers question below) is that they are good at supporting workshops & conferences but are less interested in investing in lengthy processes. In 2002 Article 19 convened a media workshop on Zimbabwe. Clear resolutions and a workplan came out of that workshop. Where is that plan? Whoever followed it up? With what results? Now this new workshop what institutional memory does it build on? Will the donors themselves discuss a common plan on Zimbabwe?

Donor

We answer this question through the perspective of possible goals of various donors since we do not have any accurate information to base assessments on.

In our view, if the goal was to support the creation and dissemination of information for a broad public, then we see few fruits of that investment.

If the goal was to sustain some of the existing organizations and also support their further development, like supporting them to explore new policy directions, then this has been achieved.

If the focus was on legal and policy reform, the investments maintained vigilance on these issues but did not create change due largely to the political context.

Media support organisation

Probably not enough has been spent on broader FoE issues (rights of teachers to speak – linkages between independent media and other development issues) – but I have not been closely involved for a few years

In terms of training and ensuring that the quality of information that is being disseminated by existing outlets, this has had varied impact due the varying quality of existing outlets.

In trying to stimulate cooperation and alliance building, though good ideas and plans exist, there has been little implementation of such plans at least in the short term.

With regards to sustainability of organizations, little has been invested here and it is difficult to address this issue given the current political context.

Unfortunately, New Zimbabwe.com has no experience with donor funds and it is hard to answer that one. However, for those who have received the funding, I am sure the money has gone a long way to keeping the organisations going and managed to thwart the advances of the intelligence services who are looking for any flailing newspapers to seduce the directors with public funds like what happened with the Financial Gazette and The Mirror Group.

This question is too broad to be answered meaningfully. I estimate that our own funding for the sector was wisely spent and has significantly increased the access of information of Zimbabweans. In this sector we have not had major failures.

The money has been well spent and more is needed. So far, a lot has gone to defend the erosion of free expression through legislation and practices of the current government. This is important as without such action, I believe the situation would be much worse. The resistance has borne fruit to the extent that we still have some semblance of alternative media today such as the 'foreign based' radio stations and two private weekly newspapers. The money so far spent has been in support of reactive processes. This should continue at national level.

For the future, more should be spent on proactive communication processes. More should be spent in creating more alternative media like drama and community media at grassroots level. These activities are best done far from the cities and the glare of the government and should take the long term approach to ensuring that communities are made aware that they can create their own media to save themselves and their needs.

All I can say is I have heard that so much money has been poured into free expression and access to information but have never really been privy as to whether the money was well spent or not. I have been on various programmes sponsored by MISA on free expression and related issues. I have heard of money going through to the various organisations representing the media like ZUJ, IJAZ but have no means of knowing if it was well spent or not.

Royal Netherlands Embassy has not had any programmes directly into this area such that it is difficult to judge.

The volatile attitude of the government has made it extremely difficult for free expressions projects to be undertaken in Zimbabwe. This is particularly true given the fact that the suppression of the independent and private media in the country has been an active strategy in referenda, and parliamentary and presidential elections.

Moreover, the Non-Governmental Organisations Act that, based

on our latest information, has yet to be signed, appears to be a potential bar to future funding for NGOs within the country that support freedom of expression. The act seems designed to prevent NGOs from the political and civil rights sector from carrying out their activities, and is once again another sign that the Zimbabwean government does not respect civil society.

In recent years, funding has been provided to individual newspapers, particularly the *Daily News*, but the problem with such funding is that the Zimbabwean government views it as further evidence that the international community is engaged in trying to overthrow the government and/or support the opposition. There have also been funds provided for legal actions that have been extremely beneficial to the media environment.

On the question of actual spending by interested parties, the recent creation of the African Free Expression Network is an advance and IPI views it as a serious attempt to create a more coordinated and strategic approach to assisting countries on the continent.

The real problem about spending on free expression is the following: How do you influence a government that has broken most of its ties with the international community and has little or no interest in promoting press freedom?

With the best will in the world, press freedom organisations and international donors have supreme difficulties working in an environment that the government has no real desire to change.

This is difficult to quantify, as our product is hard to measure. We rely mainly on anecdotal evidence to measure our effectiveness e.g. email responses from Zimbabweans But there are other things that would indicate our effectiveness: perceived threat of the station by the Zimbabwe government and the resultant jamming of our shortwave broadcasts; awarding of IPI press Freedom prize; International Association of Women in Radio and Television award to SWRA journalist Violet Gonda. SWRA stories are being carried by other news, internet and media sources; an extremely successful SWRA website as evidenced by the number of hits on our site; numerous overseas stations including the BBC have done stories on SWRA and continue to do so ensuring that

I couldn't tell, I don't have that insight, BUT my impression is that there is and has been a lack of coordination between donors in this regards, as well as between the actors themselves. Synergies of various interventions has not been sought. More flexible mechanisms are needed in the Zim-case.

I am not so certain it has been significant. In my opinion the most successful support has gone to organisational work and advocacy - e.g. MISA Zimbabwe, The Media Monitoring Project. I also think that the support that has been given to building civil society organisations in general that have stood for freedom expressions values have been important e.g. Zimbabwe International Book Fair, as well as support for publications, not only papers and magazines, but also books. The most important aspect is to maintain the pressure over a long period, because the struggle is going to be drawn out. In general I think the money has been well spent, but I do not think it has been all that much.

Zimbabwe news reaches the widest audience; Google regularly lists SWRA news stories; SWRA is one of the very few outlets for opposition information and unbiased, uncensored public debate as demonstrated by the number of emails sent to the station and participation in Callback. Curiously even the state-run Herald newspaper has recently had to quote reports carried by SWRA, because of our extensive and often exclusive coverage of the MDC split.

We are unable to gauge the effectiveness of other projects, however we have heard reports of funding being badly spent e.g. a Zimbabwean based group was given funding to distribute radios, but it appears these radios were never distributed.

Our original donor generously funded two different radio stations, SWRA and VOA, but there was no structure in place to have discussions between the two stations and it was not possible to initiate this. It is also disappointing that it was not possible to create access for SWRA to the MW transmitter used by VOA, thereby giving VOA the 'edge' in broadcast coverage.

SWRA is the only Zimbabwean independent station and as such is clearly viewed by our listeners as 'their' radio station. They repeatedly refer to it as a lifeline. We do believe that it has provided the first example of what an independent station can be and in this has helped Zimbabweans free their minds from the endless government propaganda and create a belief in the possibility of change.

Of course it has in our case! Well, we do at least regularly remind the public of the need to reform media & related laws; of the propaganda emanating from the govt-controlled media and of the importance that free expression plays in a democracy etc...Local advocacy helps to keep the idea of free expression alive in the face of overwhelming propaganda and repression. Theatrical "road-shows" and collaboration in promoting "information rights" with civic education orgs operating in rural communities help to combat the propaganda. Working with various interest groups (teachers, health workers, students, unions etc) over the importance over "communicating" issues that affect them helps to promote the importance of public information rights in relation to other civil liberties... Regional and international lobbying has been effective

especially in that the African Union reported on Zim's human rights record as a direct result of civic organisations' lobbying...Now that it has adopted the ACHPR report it is "locked in" to following up on the recommendations it made in that report...This will further embarrass government, which does respond to regional peer pressure (witness SADC election guidelines) This should be extended to all fora where the Zim govt is represented...UN, SADC, ACP-EU etc

The money has been well spent and in fact still remains inadequate for long term campaigns. The money has been used to try and empower ordinary people's understanding of the importance of freedom of expression and freedom of information through public meetings, flyers, posters, drama shows, T-shirts and billboards. It has also been used to undertake research on media issues affecting the country, lobbying regional and international organizations to decent effect.

5. What are the strengths and weaknesses of current donor support for free expression and access to information activities for Zimbabwe?

Zim media

Donor support has helped strengthen institutions like MISA-Zimbabwe that are doing sterling work in documenting, critiquing, advocacy, lobbying, defending etc.

The missing link is the absence taking risk to support more radical freedom of expression initiatives.

Donor

Strengths :

- some donors are standing by their partners through thick and thin. This is probably more true for non governmental donors
- some donors (such as NiZA) are open to supporting small, alternative activities such as the spreading of radios through community groups in order to increase the listenership of SW Radio Africa, VOP and Studio 7 for example.

Weaknesses:

- lack of clear policies on which decision are based: we consider what comes our way and then develop a policy around it because we have difficulty identifying opportunities for support in relationship to a clear, dire need: the need for production of information and its dissemination to the "masses."
- bigger, sexier projects are easier to support than smaller initiatives by weaker and less structured

Media support organisation

Probably not enough has been spent on broader FoE issues (rights of teachers to speak – linkages between independent media and other development issues} – but I have not been closely involved for a few years

organizations

- Focus is on the big political issues: creating regional solidarity; lobbying governments and how to bring about regime change versus small changes at the grassroots level.

I think there is no proper audit of the strength and weakness of projects that they fund and the money is concentrated on a few groups whose value and contribution is open to debate.

Strength: most donors are aware of the particular conditions prevailing in Zimbabwe and have adjusted their funding mechanisms accordingly. Most funders are actually aware of each other and there seems to be a reasonable understanding and cooperation, though the security situation would suggest otherwise.

Strengths: Current donor support has sort to prevent the situation getting worse; a reactive process by those that have continued to engage in the defense of free expression and independent media. It is through this support that the existing independent media has continued to operate. New media has also been created as alternative to that closed down by the government. This is in the form of online newspapers.

Weaknesses: The support to online newspapers has a weakness in that this media is for the well-off and resource rich. There is a need to go further and support the creation of alternative media, especially at the community level. I am not sure to what extend this is taking place as it ma well be done quietly and, therefore, I hesitate to classify it as a weakness. I also see possibilities of exploring support to media that may be done with very little notice by the government authorities as another way of improving support for free expression.

I think it is really difficult to single out the weaknesses and the strengths for things are really far from being normal on the grassroots level in Zimbabwe. It has been difficult for most organisations to support free expression but I have a bias towards MISA and the great work they have been doing in Zimbabwe as regards to that and would be happy to hear of more work being done thru them with media organisations in Zimbabwe to promote free expression and access to information. The polarisation in the media has made it very difficult, I think, for IJAZ and ZUJ, to really represent their members and deal with such issues as opposed to MISA. The only weakness I can think of is a situation where those wanting to assist have had a tendency of going to the bosses in media houses. We have discovered over the years our media bosses are human and have tended to gloat about things like awards, money etc without the benefits trickling down to the hard-working and under-paid journalists in newsrooms. I think to promote free expression and access to information by giving awards is another opportunity to make sure people thrive for

Regarding donor strengths and weaknesses, donor strength lies in attempts to empower and work with local media and civil society groups. Realisable change will only come about through these groups, and the international community is right to develop approaches that are directed towards these groups.

The problem for international donors, especially the IGOs, such as the UN or EU, is that attempts at funding are often portrayed as being innately political. This makes it extremely difficult for these organisations to be fully engaged, and IPI has noticed that there often appears to be reluctance on the part of these groups to criticise the Zimbabwean government.

The result is that, where in other countries, IPI and other press freedom organisations, have been able to motivate these organisations to apply pressure for change, the situation in Zimbabwe is such that they have taken a softly-softly approach. Often this has only encouraged the Zimbabwean government.

The strengths of the support have been that it often has been targeted at specific and clearly defined projects - particularly those that have an advocacy basis. The weakness is that it has not been able to really support initiatives that reach the Zimbabwean society in a broad sense. The Independent newspapers are very important, but they reach the urban upper strata. the challenge is to find ways of supporting the establishment of media that reach broad sections of Zimbabweans. And that is very difficult for international donors to achieve without good contacts inside Zimbabwe. A further weakness is that funding often is based on a short time perspective, while this is long term challenge.

And we know how infiltrated and prone to surveillance all democratic initiatives are in Zimbabwe at the moment.

the best but when giving them donors must spell out they are for the organisation, the journalists – some sort of collective effort and not an individual for eg at the Daily News, most of the awards given over the past five years have gone to the bosses with the US\$25 000, US\$10 000 etc and not even a single penny to the long-suffering journalists – in the process this only served to demoralise them. In the end they failed to fight for a good boss to stop him being sacked by other self-serving bosses because they felt so let down by him. All that it meant was the Daily News was going to die an inevitable death. I hope something will be done to bring it back for without it on the streets and with the death of information in the country, it will be very difficult to promote issues like free expression and access to information. So we need to fight to have it back on the streets and many other independent newspapers that were closed and open new ones if possible under the difficult circumstances.

Strengths:

- Funders have demonstrated their commitment to resolving the Zimbabwe situation through their willingness to continually fund projects such as SWRA, ZW News, and The Zimbabwean etc. OSI has been particularly committed to this process.
- We appreciate the freedom of editorial control that we have been given
- Certain individuals within donor organisations have gone the extra mile and have been extremely supportive, and their dedication has opened numerous avenues to us, particular mention must go to the late Marc Scott at OTI.

Weaknesses:

- The lack of confirmed long-term funding has meant that projects like ours have not been able to effectively plan or strategise
- Once approved, the actual release of funds is sometimes slow, which has often made the day-to-day operation of our organisation very difficult.
- The bureaucracy that exists within some donor organisations can be complex and time consuming for someone not trained in this specific area. This has sometimes detracted from time that would be better spent meeting our prime objective. The

RNE has not had any programmes directly into this area such that it is difficult to judge. However, learning from other activities we can say:

Weaknesses

- lack of a coordinated approach - different policies and priorities,
- lack of overview
- Weak institutions

Strengths

- draw on best practices
- availability of resources

funding process does not appear to make allowances for the urgency and immediacy that exists in the world of news and information

- It has sometimes appeared that individuals in a donor organisation do not fully comprehend the function and operation of a radio station or other forms of media, or do not have specific knowledge of in-country conditions that create difficulties.
- There seems to be few donors who can provide the large funds required to fund most media projects. Perhaps more collaboration between donors would allow a greater pool of finances for any one given project?
- A most extraordinary number of donor funded reports have been produced on Zimbabwe. It would be good to see fewer reports, more action.

Not sufficiently coordinated; piecemeal and erratic...Suffers from govt scare tactics (ie NGO Bill)....Donors tend to push their own agendas onto NGOs so that funding is often "conditional", but on the other hand, donors often "wait" for civic society to develop initiatives when they could be helping civics to develop effective strategies...

Again, a lack of coordination and comprehensive approaches.

The weaknesses of the current donor support is that donors think they can come up with a quik-fix solution to Zimbabwe, this is not going to happen. Donors have, implicitly, tied the success of NGOs to what happens at the political front, i.e. whether the ruling party and gvt is weakened or not, so all NGOs in the eyes of the Donors must work towards that end, questions asked now include, among many, that what people mobilisation activities is your organisation doing. While this question is well in order, it fails to see to the uniqueness of each NGO in Zim. MISA as an example has community mobilisation activities which are tied to issues of media and freedom of expression, and while we know that we are working, ultimately, towards the democratisation of Zimbabwe, our strategies must not be outrightly political confrontation but address issues that makes our people aware and support organisations such as NCA, Crisis in Zim Coalition that are addressing the outright political quaection. Our protection as NGOs will also come from an informed citizenry, because if we work alone, then it is easier for the gvt

to shut us down anytime. While donors have high expectations of us, which is alright, there seem to lack an understanding of the political dynamism in Zim, the region and internationally. Mugabe and ZANU PF are not just an ordinary dictatorship like Mobuto and Idi Amin, they have a large following in the region and internationally and they also plan, that is why South Africa is prepared to give Mugabe 500 million US and indeed western companies continue to deal with Mugabe and sustain him. So addressing the problems in Zimbabwe needs serious understanding, and what the donors see as having worked in Darfur, Uganda, or Namibia's might not necessarily work in Zim. I believe donors have done a great job nevertheless if we look at the issues I have put on, for while donors have supported the media through funding, newsprint etc, we do not feel that the media has reciprocated adequately as newspaper price continue to rise and that support has remained elitist, without directly benefitting citizens. More needs to be done around social communication and indeed more needs to be done around supporting litigation, support for this has all but dried up which leaves media houses and journalists vulnerable.

The donor community has shown a strong understanding for the principles of freedom of expression and information as being critical components of the struggle for democracy in Zimbabwe. Their funding has assisted organizations such as MISA Zimbabwe organize a serious and effective advocacy campaign. The major strengths of the donors has been this shared understanding of the 'cornerstone' nature of freedom of expression and freedom of information in the struggle for the democratization of Zimbabwean politics. They have also been willing to assist in the defense of media workers and court cases. There are however continuity problems that have begun to arise, with some donors arguing that the principle of basket funding is the best way to go when funding activities, a process which is bureaucratic and sometimes consumes valuable time. There is also the issue of some of the conditionality of funding as regards what type of activities an advocacy organization can undertake.

6. FOR DONORS AND MEDIA SUPPORT ORGANISATIONS ONLY - What is your organisation's mandate when it comes to Zimbabwe? And what – if any - have been your organisation's priorities when it comes to promoting free expression and access to information for Zimbabwe? What initiatives has your organisation supported?

Donor / Media support organisation	Mandate / Priorities
Article 19	The ARTICLE 19 Law Programme is focussing on challenging the State broadcasting monopoly in Zimbabwe. Our measures to date have been to support the successful challenge by Capital Radio Private Limited to the constitutionality of the monopoly in the Supreme Court in 2002 – we provided an amicus brief in this case and worked alongside Capital Radio's Zimbabwean lawyers. We have now filed a communication with the African Commission alleging the State of Zimbabwe is violating its obligations under the African Charter by maintaining a State broadcasting monopoly, by not adopting measures to promote diversity in the broadcasting sector and by discriminating against Capital Radio in its attempts to broadcast. Our communication is expected to be seized by the African Commission at their next Ordinary Session in November 2005. We also have supported the Zimbabwean Human Rights Forum in a practical sense over the past few years, by providing them with administrative assistance. Africa programme would respond to direct requests – but have not received any – We attend most UK based Human Rights & Zimbabwe meetings and facilitate the International Liaison Office of the Zimbabwe Human Rights NGO Forum. Our initiatives have been to support a challenge to the constitutionality of the Broadcasting Act – which resulted in the legislation being held unconstitutional by the Supreme Court of Zimbabwe; and, domestic remedies having been exhausted, to file a communication with the African Commission re the State of Zimbabwe's obligations under the African Charter concerning broadcasting. We have trained a small number of Zimbabwean NGO people; by distance on Freedom of Information and just held a regional follow up meeting – first time the Zimbabwean had met up and found they had common interest in Fol.
NiZA	During a partner consultation, our Zimbabwean partners recommended that we focus on the following: • support advocacy on Zimbabwe, bring international pressure to bear • support networks that provide alternative access to information to the whole country: • support legal defence of partners, especially those affected by NGO Bill • Support for development and implementation of strategies of NGOs should the NGO Bill come into law. Media Programme objectives for Zimbabwe Support of initiatives that lobby and advocate for media freedom and public information rights to address the media crisis both within Zimbabwe as well as on the regional (SADC), African and international level. Support the continuity of operations of partner organisations through timely legal defence and restructuring of partners in light of the NGO Bill. Support initiatives that provide alternative access to information in the country, especially in the information poor areas. Assist with donor co-ordination in respect of media support for Zimbabwe.
Heinrich Boll Foundation	Support to independent media to increase freedom of information.

Support to independent media, both within and outside the country. For security reasons, no specific projects will be listed here.

International Press Institute

In terms of Zimbabwe, the IPI mandate is to promote a media environment in accordance with Article 19 of the Universal Declaration of Human Rights and to improve the standards of journalism within the country.

Priorities

IPI's main priorities within Zimbabwe are an independent and private print media (entirely separate from the state), a true public broadcasting service, the development of independent and voluntary media accountability systems, improved standards of journalism, and a freedom of information act that encourages transparency and openness.

Initiatives

- 1) Letters of concern related to press freedom violations;
- 2) Letters of concern to the African Union regarding the situation, including the New Partnership for Africa's Development and an insistence that this should not only be mandatory it should have comprehensive rules regarding press freedom and freedom of expression.
- 3) Resolution passed at IPI Board Meetings on Zimbabwe;
- 4) Placing Zimbabwe on the IPI Watch List in 2001 (for further information on the IPI Watch List please see: ipi@freemedia.at)
- 5) A mission to Zimbabwe in 2002 as part of a group organised by the World Press Freedom Committee;
- 6) Presentation of IPI "Free Media Pioneer Award" to SW Africa; and
- 7) Promotion of discussion concerning Zimbabwe in committees where IPI is a participant (for example, the Coordinating Committee of Press Freedom Organisations).

Royal Netherlands Embassy, Harare

In the field of HR/GG:

Support to programmes concerning the promotion and protection of HR, promotion of dialogue, increased public participation in governance within civil society and between civil society and public sector

The Netherlands Embassy in Harare has funded in the past training of journalists in media and human rights as well as in media and governance.

SIDA

Swedish Sida has media as one area of cooperation with Zimbabwe. So far most has been channeled through MISA.

DFID

DFID's programme in Zimbabwe focuses on three areas: support for tackling HIV/AIDS; support for orphans and vulnerable children; and humanitarian support. DFID is not engaged in support for the media here, although the British Embassy, as in many countries, does have some funds which it uses for supporting civil society in Zimbabwe.