University of Bergen

Democracy and Civil Society: An investigation into the activities of Media Institute of Southern Africa (MISA) - Zimbabwe in promoting Media Freedom in Zimbabwe

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ABSTRACT

Zimbabwe, like many other African countries as well as other non-African developing nations is faced with the growing abuse of freedom of expression and media freedom. This is mainly due to the fact that developing nations which are still trying to democratise, often stiffen media freedom to further their own interests of monopolising political power for personal gains. In the wake of this scenario, various societal actors arose to challenge the excesses of the status quo and they have presented the society with alternative views. Amongst these societal actors, human rights advocacy civil society organisations have taken the lead in mounting criticisms against and challenging the status quo. This thesis was an attempt to investigate the activities that a civil society organisation in Harare- MISA-Zimbabwe, does in order to promote media freedom in Zimbabwe.

The traditional liberal theory of understanding media by Curran was used to explain the watchdog role that MISA-Zimbabwe carries out to challenge the state through its activities. Assumptions regarding organisational behaviour from Thompson were also used to understand this organisational study. The data for this study was obtained from open-ended interviews and also through the use of documentary sources from MISA-Zimbabwe, MMPZ and also other relevant stakeholders.

The study showed that for MISA-Zimbabwe to promote media freedom in Zimbabwe, it engages itself in a wide array of organised activities. Five key programmes areas were created by MISA-Zim to guide its activities and these are FOE and the right to information campaign, media monitoring, campaign for broadcasting diversity, media support and finally legal support (litigation). Under these key programmes areas, MISA-Zimbabwe networks with other like-minded CSOs, carries out campaigns, boycotts, road shows, writes articles and press releases and distribute flyers to raise FOE awareness amongst the public. MISA-Zimbabwe writes protests letters, statements, written and verbal petitions, position papers and these submissions are used in order to lobby and influence governmental actors to promote and media freedom in the country.

DEDICATION

This work is dedicated to my lovely daughter Tanya, for all the laughter you brought into my life.

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Above all, I extend my sincere gratitude to the Almighty God for being my pillar of strength and giving me guidance all the way through to this present day. To God be the glory.

LIST OF ACRONYMS

ACB African Charter on Broadcasting

ACHPR African Charter on Human and People's Rights

AGM Annual General Meeting

AIPPA Access to Information and Protection of Privacy Act

BAZ Broadcasting Authority of Zimbabwe

BBC British Broadcasting Cooperation

BSA Broadcasting Services Act

CCJP Catholic Commission for Justice and Peace

CSO Civil Society Organisation

CZC Crisis in Zimbabwe Coalition

FAMWZ Federation of African Media Women Zimbabwe

FOE Freedom of Expression

IANA Inter-African News Agency

ICB Interception of Communications Bill

ICT Information and Communication Technology

IFEX International Freedom of Expression eXchange

IJAZ Independent Journalists Association of Zimbabwe

LOMA Law and Order Maintenance Act

MAZ Media Alliance of Zimbabwe

MCZ Media Council of Zimbabwe

MDC Movement for Democratic Change

MDF Media Defence Fund

MIC Media and Information Commission

MISA Media Institute of Southern Africa

MISA-Zim Media Institute of Southern Africa-Zimbabwe

MLN Media Lawyers Network

MMPZ Media Monitoring Project of Zimbabwe

NCA National Constitutional Assembly

NWICO New World Information and Communication Order

POSA Public Order and Security Act

SADC Southern African Development Community

UDHR Universal Declaration of Human Rights

UDI Unilateral Declaration of Independence

VMCZ Voluntary Media Council of Zimbabwe

ZANLA Zimbabwe African National Liberation Army

ZANU PF Zimbabwe African National Union-Patriotic Front

ZAPU Zimbabwe African People's Union

ZBC Zimbabwe Broadcasting Cooperation

ZBH Zimbabwe Broadcasting Holdings

ZCTU Zimbabwe Congress of Trade Unions

ZESN Zimbabwe Electoral Support Network

ZIANA Zimbabwe Inter-African News Agency

ZIMCO Zimbabwe Institute of Mass Communication

ZINEF Zimbabwe National Editors Forum

ZLHR Zimbabwe Lawyers for Human Rights

ZMC Zimbabwe Media Commission

ZMMT Zimbabwe Mass Media Trust

ZUJ Zimbabwe Union of Journalists

ZUM Zimbabwe Unity Movement

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CHAPTER 1

INTRODUCTION

1.1 Background

Freedom of expression (FOE) is regarded as one of the foundations of a democratic society, one of the basic conditions for its progress and the development of every man. Freedom of expression is also perceived as a basic condition for effective social and political debate essential for the operation of any democratic society.

FOE has been guaranteed by constitution of many countries apart from provisions of treaties that protect and safeguard rights for all humanity. Article 19 of the Universal Declaration of Human Rights state that, "…everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

These rights have been confirmed by the African Charter on Human and People's Rights (ACHPR), article 9 as well as by UNESCO Public Library Manifesto which, in its preamble states that, "…constructive participation and the development of democracy depend on satisfactory education as well as on free and unlimited access to knowledge, thought, culture and information".

A crucial part of as well as a necessary condition for FOE in current societies is the existence of media freedom. Many social scientists have written on FOE and media freedom, and on the relationship between democracy and media freedom. A central theme in this literature is the relationship between the media and the governing authorities. In this literature it is shown that there is a tendency that governing authorities generally seek to influence the media, but such efforts vary from trying to influence the

agenda of media to downright abusing the media by making them into a tool for the regime.

As a citizen of Zimbabwe I have a profound interest in FOE and the development of the relationship between media and governing authorities in this country. There have been some studies on these topics in Zimbabwe. For instance, Chiumbu examined relationships between democracy, the existence of human rights and media in Zimbabwe, and she has in this context specifically examined the interaction between human rights groups and its implications/consequences for democratic politics in Zimbabwe (Chiumbu, 1997).

The growing abuse of FOE and media freedom in Zimbabwe from the 1990s onwards is internationally well known. The abuse of FOE and media in Zimbabwe is however not only of recent times, this characteristic can be traced back to the colonial era (before 1980). Stanford K. Mukasa has in his PhD dissertation looked into the development of the issue of media freedom in Zimbabwe, and he has categorized this development into three epochs: (i) The colonialist/nationalist (pre 1980), (ii) The transitional (1980-19990), and (iii) The post-transitional (1990 to the present). Mukasa notes that during each epoch, the press exhibited editorial policies and practices that reflected ideological and socio-political environment of the country (Mukasa, 1991).

In the colonial epoch the press mirrored the settler-colonial ideology of the state and social polarisation along racial lines. Its successor in the post-colonial transition epoch depicted the revolutionary fervour of the emergent black political regime whose ideology regimented Zimbabwe under an authoritarian state. In a dramatic reversal from the nationalist campaign, promises for a free press and free expression in an independent Zimbabwe, during this period the press was coerced to support the government. In this environment the message has been, “you are either with us or against us”, thus creating a very obvious political polarisation system.

Stanford Mukasa specifically notes that a number of governmental measures in the mid-1990s further undermined the people's right to freedom of expression as well as media freedom. The most notable examples of restrictions were the two pieces of legislation passed before the presidential elections of 2002, which is the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) which severely limit criticism of government and public debates (Mukasa, 1991).

In my thesis I will not study FOE in general. The focus is on media freedom in Zimbabwe; that is the focus is on a specific civil society organisation (CSO)-MISA-Zimbabwe (MISA-Zim) - and its activities to promote media freedom in Zimbabwe during the period from the mid-1990s until the present time.

1.2 Purpose Statement

The purpose of this research work is to explore the activities of MISA-Zim in promoting media freedom in Zimbabwe. To my knowledge there have been few studies on the activities of civil society organisations that have worked for media freedom in countries that have been ruled by autocratic regimes that have tried to make media useful political tools for pursuing their own interests. We, therefore, have limited knowledge of such CSOs and their activities. For instance, do such organisations behave like the typical organisation that we know from standard organisation theory; i.e. the firm. Therefore, I deliberately state that I will *explore* the activities of MISA-Zim to express the sense of newness and unfamiliarity that is present in this verb.

Furthermore, the purpose is to make an attempt to interpreter the significance of at least some aspects of the activities of MISA-Zim. Did its activities have any effect on the political regime and the situation of the media during the last 10-15 years? Lastly, I hope on the basis of my exploration to be able to reflect on the role and significance of

activities of CSOs for media freedom under circumstances like those that have characterized Zimbabwe in recent years.

1.3 Justification of Study

My efforts in exploring the activities of a CSO like MISA-Zim and in raising questions as to effects of these activities as well as in making an attempt to reflect on the significance of CSOs activities in promoting media freedom and in fighting for freedom of expression in general are driven by the fact that freedom of expression constitutes a major feature in the general process of democratization. It is my view that this is a crucial characteristic for democratization in Africa, including Zimbabwe. As such many writers feel that this field should be explored more.

Researches on democratization in addition have mainly been left as a preserve of human rights lawyers and civic society organizations and have been taken as a "no go" area for academic researches hence the dire need to unravel the role of MISA-Zimbabwe in promoting freedom of expression as an academic research. Thus the researcher feels that contribution to freedom of expression still need to be conceptually and theoretical developed. Therefore as a result of the limited debate on the aspect of free expression arises a strong need to theorize and conceptualize freedom of expression in Zimbabwe as well as try to understand how this concept per se ensures and enhances democratization. The paper will also document and contribute as scholarly work and future reference to the current debate on CSOs, democracy and freedom of expression discourse in Zimbabwe

This study is also significant in the sense that it is aimed at giving an insight and understanding of the organizational structures and major functions as well as conceptions of CSOs and democracy in a third world setting like Zimbabwe. The paper is also essential in that it will analyze factors (economic, political and social) and how they influence the flourishment of CSOs, democracy and advancing human rights like freedom of expression in a Zimbabwean context.

1.4 Research Objectives

The broad objective of this study is to describe and analyse the role that MISA-Zim is playing in promoting FOE in Zimbabwe. Specifically, this study will seek to:

- Identify and explain MISA-Zim's main programme areas in relation to media freedom.
- Explain significance of the role that MISA plays in the democratic discourse of Zimbabwe.
- Pinpoint the impediments that hinder the advancement of media freedom in Zimbabwe and how MISA-Zim deals with them.
- Explain the state of media in Zimbabwe.

1.5 Thesis Outline

- Chapter 2 gives a theoretical discussion of concepts in this thesis as well as the methodology that was used in gathering data for this study. The chapter starts with reviewing literature closely linked to the key concepts. It defines the concept of democracy, civil society and also the media. The chapter will also develop a framework of analysis where reflections on the dependent and independent variables will be made. In terms of methodology, this chapter provides arguments for specific research approaches, strategies and methodologies against others, in discussing the activities of MISA-Zimbabwe in promoting media freedom in Zimbabwe. The chapter ends with capturing and discussing the problems that were encountered in the process of data collection for this study.
- Chapter 3 gives a general overview of the media landscape in Zimbabwe especially the period after colonialism that is from 1980 to date. It examines the structure of the media and how this affects the operation of CSOs in advancing media freedom. This chapter gives the background of the environment in which MISA is operating in.
- The 4th chapter starts with a general description of the organisation under study that is MISA-Zimbabwe. It stresses the organisation from its inception, its vision, membership, objectives, mission and how it operates.

- The fifth chapter gives a detailed presentation and analysis of findings in an attempt to answer the main research questions that were posed in the beginning of this study. This chapter will discuss the activities that MISA-ZIM has done and is doing in two phases that is the works of MISA from 1995 to 2000 and then from 2000 to date. This chapter relates closely with the dependent variables of this study.
- Chapter 6 gives a general analysis of the foregoing discussions. This chapter wraps up the major arguments discussed in the study and tries to address the problems relating to reliability and validity questions in the study. It ends by giving implications for future research.

CHAPTER 2

ASSUMPTIONS AND PERSPECTIVE, DESIGN AND DATA COLLECTION.

2.1 Civil society, the public sphere and media in a democracy

In order to grasp the significance of media in a democracy it is fruitful to view media in relation to phenomena that, at least in liberal theory, are conceptualized as civil society and the public sphere. First on civil society:

Civil society is here viewed as, firstly, a sphere apart from the state. It is a sphere in which individuals come together and form groups and organisations, pursue common interests and communicate and interact over important and sometimes not so important matters (Chambers and Kopstein, 2008:364) Voluntary organisations, service associations, trade unions, employers' interest organisations, professions, house hold groups and discussion clubs as well as independent media associations are part of civil society. Furthermore, a second characteristic of civil society is here seen to be pluralism. While the state, at least in a democracy, is seen as pursuing collective ends and public goods, in civil society individuals come together to pursue particularistic ends and group-specific goods some of which may also be public goods (Chambers and Kopstein, 2008: 365).

A number of democratic theorists suggest that it is useful to think of civil society as being in a creative and critical dialogue with the state. In this dialogue the state has to demonstrate accountability; i.e. it must ─ according to the view most forcefully put forward by the German theorist Jürgen Habermas ─ defend, justify and in general give an account of its actions in answer to the plural voices raised in civil society.

According to this view of the relationship the notion of a **public sphere** becomes a central theme. The public sphere is seen as an extension of civil society. It is where the ideas, interests, values and ideologies formed within civil society are voiced and, according to this theory, are made politically effective (Habermas, 1996: 367)

It is as a vital constituent part of an effective civil society and public sphere that media have great significance, and ─ according to liberal democratic theory ─ media freedom, therefore, is a crucial condition for democracy.

As envisaged in liberal theory, the principal democratic role of media is to act as a check on the state (Curran, 2000: 121). The main responsibility of the media, therefore, is to monitor the full range of state activities and fearlessly expose abuses of official authority. The principal role of the media is seen as being a watchdog. Professor J. Curran for one makes the statement that for this to be achieved the media should be given complete independence from the government. He quotes Kelley and Donway (1990:97) and states that a press that is licensed, franchised or regulated is subjected to political pressures when it deals with issues affecting the interests of those in power. The public watchdog definition of the media thus legitimates the case for broadcasting reform and strengthens the defense of a free market press.

In line with other theorists of media Professor J. Curran further argues that the state should be the main target of media scrutiny because the state has a monopoly of legitimated violence, and is therefore the institution to be feared most (2000:123). It is, therefore, worth it to create a critical distance between the media and governmental systems through private media ownership. A principal point is viewed as differentiation. As media theorist Baker claims, a democratic media system ought to be composed of a well-developed, specialist media tier which serves differentiated audiences and enables varied social groups to debate issues of social identity, group interests, political strategy, and normative understandings and so on in their own terms (Baker, 1998).

2.2 Assumptions regarding organizational behaviour and choice of analytical model.

During the last four to five decades it has been assumed by organisation theorists that, as already formulated by James D. Thompson in 1967 that "...organisations do some of the basic things they do because they must-or else!" (Thompson, 1967: 1) That is,

organisations have to produce results that are according to expectations of actors that assess and judge the organisation in question. The organisation's actions ─ its choices and decisions ─ are to be assessed as rational and reasonable. If those who are assessing the organisation do not find the result sufficiently acceptable, and its actions sufficiently rational, the organisation may loose its support and wither away.

It is an economic organisation that is the firm that is the most common type of organisation that has been studied in the field of organisation theory. In particular that is the case in American organisation theory which has dominated the field. While the criterion used to assess the extent to which the firm acts instrumentally rational and reasonable is the firm's profitability it is here assumed that the rationality and reasonableness of the activities of an organisation like MISA-Zim may be different. In other words, by exploring the activities of an organisation like MISA-Zim we may conceive of possible new developments in the field of organisation studies.

A crucial question is how do we go about to explore the activities of MISA-Zim? I take it that the undertaking is to do a case study of a unique organisation. I assume that this organisation almost by definition has to operate in a partly very difficult and even unfriendly environment I choose to focus on rather basic aspects of MISA Zim as an organisation.

Firstly, I shall describe characteristics of the stated goals and values of MISA-Zim, and of its structure and resources.

Secondly, I shall describe and discuss the organisations activities through which it also interacted with other organisations and sought to have an effect on the actions of governmental authorities as well as mobilising other CSOs to cooperate in promoting media freedom in Zimbabwe under the political regime of Mugabe. In principle MISA-Zim had to comply with the contemporary legislation which was adopted to regulate media freedom in Zimbabwe. I shall describe this legislation and I shall attempt to explore how MISA tried to negotiate or in other ways have an effect on how significant

governmental actors (agencies and representatives) practised these regulations; i.e. the public policies on media freedom which the Mugabe regime pursued empirically. The *governmental actors* constitute a group of officials that has represented the governmental authorities with whom MISA-Zim has interacted relatively frequently. The principal actors among these have been representatives of the Parliamentary Portfolio Committee on Transport and Communication, the Ministry of Media and Information, the President, the Parliament and the Zimbabwe Media Commission (ZMC), formerly named the Media and Information Commission as well as the Police.

Thirdly, I shall attempt to explore activities of MISA-Zim that were intended to (often in cooperation with other media actors) to build platforms and resources that helped journalists and editors resist and even fight interventions and harassment from governmental actors, to organise alliances with media actors (individual journalists and editors as well as media associations and groups) and other CSOs as well as mobilizing support of the general public. These *other CSOs* have been affecting MISA-Zim's promotion of media freedom in cooperative and complementary manner. These organizations include the Zimbabwe Union of Journalists (ZUJ) that pressures on freedom to publicize what this organization views as diversity and truth. Likewise, the Media Monitoring Project of Zimbabwe (MMPZ) which monitors radio programmes and television programmes as well as newspapers and tries to establish whether the programmes and reports are impartial. The MMPZ also publishes its assessments and opinion in the newspapers and comments on the various programmes they have monitored. The MMPZ also holds awareness workshops, joins street demonstrations on media freedom and issues alerts as well as it writes position papers to lobby the Parliament on media freedom. MISA-Zim has a formalized relation with organisations such as Zimbabwe National Editors Forum (ZINEF) and the ZUJ in which the issue about pressing for media freedom remains the central concern.

MISA-Zim has also initiated a more formalized *alliance with like-minded organisations*. In 2004 MISA-Zim initiated the formation of the Media Alliance of Zimbabwe (MAZ) in which ZUJ, MMPZ, ZINEF and MISA-Zim are members as stated in MISA Annual

Report (2005:27). This network of media organisations has been influential by providing a platform in which media organisations can discuss media issues and concerns and ways in which they can effectively lobby the government collectively. For instance, according to the Kubatana website of 29 September 2006, MAZ was also reported as actively pushing for the repeal of media laws.

MISA-Zim works directly with *media houses, practitioners, media workers and journalists*. Through its media support, MISA-Zim has been involved in training journalist on how to report in politically turbulent climates like Zimbabwe. These journalists are trained in workshops by professionals who are hired by MISA-Zim. They are here also trained to use the information communication technologies (ICTs) as a fast and convenient way of conveying messages nowadays. Through its legal support programme, MISA-Zim has assisted journalists who have been arrested under various legislation by providing them with legal assistance. These support activities were partly formalized in 2002 when MISA-Zim formed the Media Defense Fund (MDF) which provides legal assistance to convicted journalists (MISA Annual Report, 2005:21). The MDF and MISA-Zim have later formed the Media Lawyers network which is a network supported by lawyers who provide legal advice and work on court case of convicted journalists.

As regarding *the general public* it should be taken note of the fact that the public's lack of information is to a great extent caused by the circumstances of poverty. With 80% of the population of Zimbabwe living below the Poverty Datum Line, acquiring relevant facts of parliament and public policy on media freedom when there is no food is a difficult task. John Hatchard (1993:35) rightly observes that in developing nations in particular, civil and political rights have little value or importance if people are starving or dying through lack of adequate health care and other basic needs. In some cases the public is not aware of their right to access information and freely express their views hence undermining democracy. However MISA has formulated specific workshops to educate and has continuously distributed fliers to alert the public about their right to

media freedom and freedom of expression. These activities have led to significant interaction with the general public.

Logically the result of the activities of MISA-Zim is to be seen in terms of media freedom; that is the dependent variable so to speak. To delimit and make the notion of media freedom more operationable in empirical terms I shall understand it to mean the following:

1. Press freedom: which is here taken to be the lack of direct and indirect censorship by government on news and information that adversely affects it (Adapted from Kasoma, 1995: 539). However although some media might be free from governmental control, they might not be free from their owners' decision about which material to publish.

2. Independent media: which here will be understood in the context of the existence of newspapers as well as radio and television stations not subject to governmental, political and economic control or control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals (adapted from UNESCO 1991)

3. Diversity in broadcasting is here seen to denote having a wide variety of options in the broadcasting sector that is the electromagnetic transmission of audio and video signals.

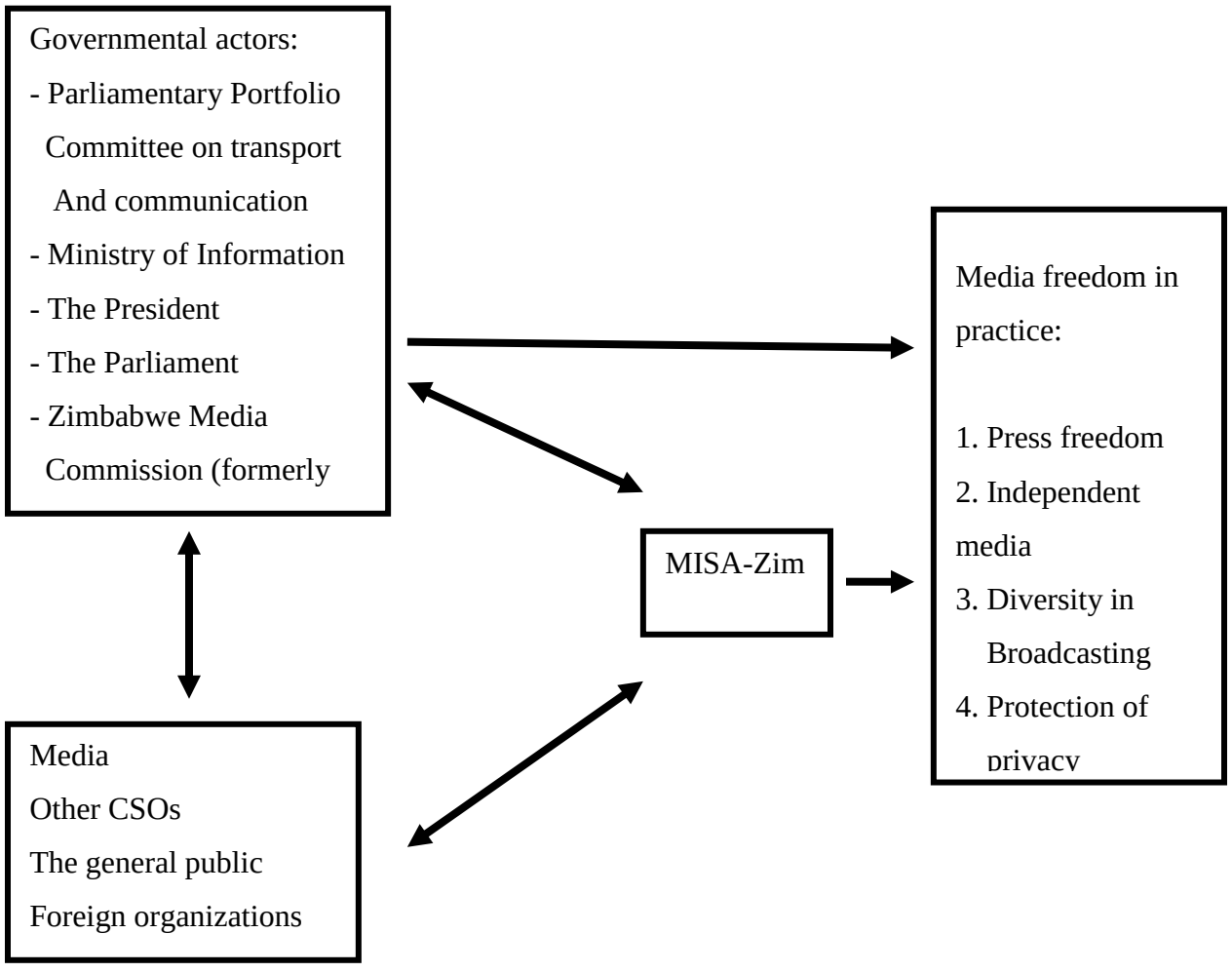
4. Protection of Privacy which here will be understood as the safeguarding of the right of people from intrusion in one's private life or private affairs; i.e. in this context that the media will not be used by the state to intrude in people's privacy.

The proposition is that the activities of MISA-Zim had effects on 1- 4.on two "fronts" - *both* through its interaction with the governmental actors *and* through its activities in

relation to the media actors, other CSOs and the general public as well as foreign organisations.

The analytical model I will apply can be illustrated by means of the following figure:

Fig. 1 Illustration of analytical model.



This figure illustrates that according to the model it is logically assumed that there are a number of mutual relationships in operation. Here my focus is on the activities of MISA-

Zim and how these through interaction with the various governmental actors had effect on these actors' practice in relation to media freedom as operationalized as 1. – 4. and *also* how MISA-Zim's interaction with media and other CSOs etc. had effects on these actors' promotion of media freedom as operationalised as 1. 4.

2.3 Assumptions and choices made as to the selection of case explored, informants interviewed and data collection

2.3.1 Selection of Unit of Analysis.

MISA-Zim was chosen to be the case to be explored. Although there exists a vast array of many other competitive and influential CSOs that are important stakeholders and that also play a significant role in promoting media freedom in Zimbabwe, MISA-Zim still emerged as sole case after the following considerations were put into cognisance:

- The choice of this area of study has been mainly influenced by the fact that MISA Zimbabwe is one of the main civic society organisations championing media freedom in Zimbabwe and also the organization has been reputed for influencing the government's policies in media freedom related matters.
- The fact that MISA-Zimbabwe is a mature organization in terms of age (12 years) as well as the fact that it has chapters in eleven other south African countries; i.e. the Southern African Development Community (SADC), suggests some bias on expertise in matters related to media freedom. Its coordination in all of these chapters implies stability, maturity and continuity in the operation of the organization. For the purposes of this project this was found a suitable case to suit the agenda under discussion that is exploring the role of civic society organizations in promoting media freedom in Zimbabwe.
- The location of MISA-Zimbabwe in the city of Harare also offers one advantage to the researcher in that it limited time consumption and increased transport availability while undertaking this research. This would have been different if an organisation located in most other places in the country.

- My personal contacts and ties from my previous networking in civil society of Zimbabwe helped me largely by making it easier to get access to respondents for interviews in the organisation without any difficulties.
- Moreover, choosing MISA-Zim as the object for a case study was also done due to the limited time in which the research was to be conducted, although it might limit the possibility of making informed empirical generalisations.

2.3.2 Selection of Informants

2.3.2.1 Members of MISA

Members of MISA formed the basis and core of my interviewees. They were chosen based on the assumption that they are well versed and knowledgeable about organisational operations of MISA. They also had first hand information on what characterises the activities of MISA-Zim, either internally or externally as well as the development of this organisation over the years. Informants from the organisation were chosen after considering the following.

- Members who were seen to be active in organisational activities were chosen to be interviewed. This was established after studying the minutes of previous meetings, workshops and other documents belonging to MISA. The assumption on the researcher's part was that those members who were consistently active would be well informed with the activities going on in the organisation. In general this later proved to be correct.
- The number of years a member spent in the organisation was also used as a determinant characteristic for selecting the interviewees. The researcher was able to establish which informants had stayed for longer periods in the organisation. These were very useful in stretching the history, background and development of MISA-Zim from its birth, and they were able to furnish the researcher with first hand information, in particular compared with new members or the members who have not yet spent a considerable amount of time working with the organisation.

- Informants were also selected after considering the level of participation in the organisation. The assumption was that the higher the level in the organisation's hierarchy, the more likely to be informed was the informant as well as his/her willingness and ability to talk freely on topics in relation to the organisation and its activities. The researcher discovered that there was some kind of "classified" information that was left as a preserve to be talked about only be those at the top of the organisation. As the interviewing process proceeded I experienced that in fact neither members at the top of the organisation did want to talk about activities and strategies that were "classified". I turned to the Department of Administration and Organisation Theory to get help to solve this problem, and my supervisor Professor Alf-Inge Jansen, wrote a statement to the effect that I could be trusted to use any information I obtained in interviews for scientific purposes only. This helped me to get some interviews with top-level members of MISA-Zim, even interviews on the telephone, but it turned out that "classified" information was still to be *terra incognita* for me.

2.3.2.2 Members from the Media Houses of Zimbabwe - *The Sunday Mail.*

The participants were able to give the researcher knowledge about what activities within MISA-Zim are extending to reach out and complement the works of media houses as reinforced in their organisational objectives to promote media freedom in Zimbabwe. *The Sunday Mail* was consulted because of the following:

- It is one of the most established newspapers in Zimbabwe and is thus characterised by maturity, also in terms of age to the extent that the newspaper has long been involved with MISA.
- Since the media is also a crucial stakeholder in as far as media freedom is concerned, it was found pertinent to get informants from them.

2.3.2.3 Ministry of Information and Publicity

This ministry sets out and develops proposals for the legislation that regulate various aspects of media freedom as well as it has a significant impact on the environment in which CSOs dealing with media freedom operate in. The ministry has been responsible for draconian pieces of legislature like BSA, POSA, AIPPA and ICB among others. This ministry has the capacity and machinery to tighten and stifle rules and regulations governing media freedom in the country or to implement the reverse that is creating a conducive environment in which citizens freely express themselves given the excess powers at their disposal. The information obtained from this Ministry was useful to the researcher in understanding the relationship that exists between MISA-Zim and the government in as far as advancing media freedom is concerned in the country.

2.3.2.4 Members from the Media Monitoring Project of Zimbabwe (MMPZ)

Members from this organisation were also interviewed because they are stakeholders that play a significant role in promoting media freedom in Zimbabwe. These interviews helped me to understand the relationship that exist between MISA-Zim and other CSOs as well as other coalitions, for instance through the Media Council of Zimbabwe in which organisations with a common goal of promoting and advancing media freedom create platforms of debates and engage in a lot of related activities. The MMPZ was chosen to be represented among those interviewed because I was interested in obtaining information from at least another organisation dealing with media freedom. I assumed that information from such a source would help me in grasping the interdependency and complementarity of roles in MISA-Zim's interaction with other CSOs.

The following table summerize the number of interviewees and of which organisation they were members:

Table 1: Members of organisations interviewed according to organisation affiliation and position

Organization	Participants	Number
MISA	-Director -Advocacy Officers -Programmes Officer -Board Members -Finance Officers -Information and Research	1 2 1 3 2 1
MMPZ	-Media research Officer -Senior Advocacy Officer -Assistant Coordinator	1 1 1
Ministry of Information and Publicity	-Provincial Officer for Information -Secretary for information	1 1
The Sunday Mail	Editors	2
Total		17

2.4 Methods of Data Collection

2.4.1 Interviews

As the main technique for collecting data I chose interviews with central actors of MISA-Zim's internal and external organisation.

The interviewing process started when I as researcher sought permission from the director of MISA by writing an application letter in which the recommendation letter from the department and the research proposal were attached. When permission had been granted potential respondents were contacted in advance via telephone or e-mail for appointments and they were also furnished with a copy of my proposal, the interview guide as well as documentation to prove my student status in order to reduce speculation on the intentions of the study. The informants were promised that the information to be collected would be used for the academic purposes of this particular study only, and that it would not be alluded to anywhere else. The information was recorded using both audio taping and written notes. Both notes and recording were used concurrently to make sure that the researcher would not lose valuable information. In some cases the information was only hand-written since the respondents were not comfortable with being recorded.

Face to face interviews were conducted in June to July 2007 with the MISA officials. Interviews were done with the director, programme officer, senior advocacy officer, programme officer (information and research), finance officer and some board members. In all the cases, these officials were interviewed individually in their offices. Conducting interviews in the respondents' offices gave the advantage in that the environment during the interview was business-like and thus reminded the interviewees of taking the interview seriously. Furthermore the venue was convenient for the interviewees who had the chance to refer to some texts or documents in their offices to refresh their memories or even consult their colleagues for the data.

Other informants, like the one of the Media Houses in Zimbabwe, *The Sunday Mail* as well as those of the Ministry of Information and Publicity provided data that complemented the information given by members of MISA-Zim. Officials from the MMPZ were also interviewed and they gave their own account of the role of MISA and how they interact with MISA to promote media freedom in Zimbabwe. By employing open-ended questions I tried to put forth what the interviewees would regard as friendly and non-threatening questions which did not put the informants in a defensive position during the interview (See also Yin, 2003:90). In addition open-ended questions also

guaranteed the construction of meaning and flexibility which gave the participants enough time to qualify their views.

On the other hand a focused interview was also used. This is an interview in which a respondent is interviewed for a short period of time following a certain set of questions derived from another interview (Yin, 2003:90). This method was used to corroborate certain facts that had already been established. This was used for the purposes of matching information gathered from different sources as a kind of follow-up mechanism.

The interview method had the advantage that pertinent issues and information that the researcher had overlooked and taken for granted before the field work started, turned out to redirect the researcher to those relevant details without shifting the objectives of the research though.

2.4.2 Secondary Data

Documents such as MISA-Zimbabwe's annual publications which provide statistical information of the number of violent encounters faced by the media have been used as well as MISA-Zim's constitution and daily press releases. Likewise, legislation like the Access to Information and Protection of Privacy Act, Broadcasting Services Act, Interception of Communications Bill as well as various proposals of acts or shadow acts drafted by MISA –Zim were collected. Minutes of meetings, conference papers, press statements, publications, newspaper articles, website, official reports and other formal studies have also been used for this research.

2.5 Study Limitations

My data collection process was limited by the following shortcomings: Firstly it was the intention of the researcher to interview a number of officials from the ministry of

information and publicity as the stakeholder governing the enhancement of FOE in the country. However due to the tense political climate in the country at the present moment, permission and clearance was not forthcoming and this situation was worsened by the existence of a tall bureaucracy in the ministry. As a result the researcher managed to get only two respondents for telephone interviews well after the fieldwork and this was made possible by using previous personal contacts from home. Officials in the ministry were skeptical about my research topic and they thought I was gathering information not only for academic purposes but to fulfill certain political endeavors. One of the officers said:

"*The information you are looking for is private and confidential".*

My topic also raised some suspicion to the extent that the officials thought I was a journalist from outside and even suggested and advised me to get clearance from the Media and Information Commission to source that kind of information. In addition, due to serious fuel shortages and economic meltdown that led to transport problems during my time of study, I sometimes could not make it to the interview venues on time and in most cases was forced by circumstances to cancel and reschedule the appointments which largely inconvenienced the plans of my respondents and proved difficult since the interviewees had other commitments that made them constantly busy and unavailable.

2.6 Conclusive Remarks

This chapter has highlighted the important theoretical assumptions guiding this study and has drawn a framework of analysis in which the relationship between and among variables is shown. The chapter has also attempted to describe the process of data collection and ends up by highlighting the limitations that were faced in the course of data collection.

CHAPTER 3

OVERVIEW OF THE MEDIA LANDSCAPE IN POST-INDEPENDENT ZIMBABWE

3.1 Post Independence State of Media.

It is pertinent to note first of all that striking continuities with patterns of usage and management of radio and television by previous regimes characterises post-independence Zimbabwean media. Some of the most politically significant similarities are those least visible to outsiders. The ZANU PF retained the structures and process of broadcast organisation, maintained regime selected and politically screened executives, interlocking management arrangements, closely monitored training programs, dependent finance, formal and informal content controls, day to day regime guidance and restricted access to opposition groups that the former regime has used in furthering their minority interests (Zaffiro, 2002: 76).

Many changes took place at the surface of broadcasting in the 1980s. Marxist vocabulary usage, African news readers giving out news bulletin in the vernacular languages Shona, the majority language and Ndebele (popular only in the western part of the country) were the most visible reminders to the white Rhodesians that change had taken place. As a result, complains from some white Rhodesians began to rise for example they complained about "slanted news and inflammatory political documentaries on ZTV" (Zaffiro, 2002: 78). Change was also visible in personnel working in the broadcasting sector. The ZANU Voice of Zimbabwe media cadres were put into management and operations positions. The hiring system however favoured the Zimbabwe African National Liberation Army (ex-ZANLA) soldiers who were regarded as the liberation war heroes as opposed to the Zimbabwe African People's Union (ex-ZAPU) soldiers who were not given an opportunity for careers in broadcasting. There were allegations that the whites at the Zimbabwe Broadcasting Cooperation (ZBC) were quitting or were forced out. However some were asked to stay on as managers and technicians largely because the new black regime needed their expertise which they could not get in the natives.

It is alleged that in the early months following independence, callers flooded the switchboard at Pockets Hill studios every night after the main news bulletin, with a variety of complaints about "Marxist content", continuous praise of ZANU PF liberation efforts, reference to white racism and oppression under previous regimes of complaints that announcers did not speak understandable English. The content of the press after independence revealed as J. Zaffiro postulates, "leftist excesses, ideological indoctrination, racial and ethnic divisions". (Zaffiro, 2002)

To efficiently implement regime media policies, three new media bodies were set up in 1981 while sidelining the existing structure. First to be formed was the Zimbabwe Mass Media Trust (ZMMT) which was tasked with negotiating independently of government, the purchase of all foreign-held shares of Aurgus Newspapers, the South African based owner of controlling interest in the two major national dailies *The Herald* and *The Chronicle*. Critics alleged that this was a calculated attempt by the government to take over the private press in addition to its monopoly of broadcasting. In addition more allegations rose, suggesting that the Ministry of Information was using the trust as a mere mechanism through which it would easily exert more direct control over the press, news agencies and media training institutes. The intended plans of the ruling regime to validate repeated claims that Zimbabwean media was not state-controlled and state-owned thus failed to work as planned since allegations kept mounting against them.

The Zimbabwe Institute of Mass Communication (ZIMCO) was the other media body to be also formed after independence. The main task of the ZIMCO was to implement government media policy directives, through proper training and reorientation of media workers. As J. Zaffiro states, ZIMCO was

> ...to be a place where training could be administered in the correct political and ideological atmosphere, at a pace desired by the government, particularly the Ministry of Information which desired rapid results in what it perceived to be a Crucial are of overall information policy. (Zaffiro, 2002: 87)

However ZIMCO faced a major challenge in that it failed to expand in its student intake as expected over the years. This was attributed to the lack of adequate facilities, teachers and support. Nevertheless the ethnic divisions were again visible in the intake of students who were admitted to undertake media courses. J. Zaffiro argues that candidates who were admitted to ZIMCO came heavily from the rank of ex-ZANLA fighters (Zaffiro, 2002).

Finally the Zimbabwe Inter-African News Agency (ZIANA) was also formed among the above mentioned media bodies to also govern media operation in post-independent Zimbabwe. It is pertinent to note that before ZIANA's inception in 1981, the South African based Inter-African News Agency (IANA) controlled most news floors into and out of the country. IANA was therefore viewed as a neo-colonial tool disregarding the sovereignty and independence of Zimbabwe by the ruling regime. The major goal of ZIANA as J. Zaffiro interprets it was to ensure diversification of foreign news sources, away from the dependence on the "big five" Western wire services. (Zaffiro 2002: 87) As a result of this measure, news sources that were not from Africa or from other Third World countries were dropped and a few were maintained while African sources were largely maintained. As stated by Zaffiro it was felt that "Africans can best provide information to other Africans". (2002: 87) As a result agreements were negotiated with other African national news agencies for instance Mozambique, Tanzania and Botswana among others and Zimbabwe became a supporter of Pan-African News Agency concepts.

In addition, ZIANA established news exchange agreements with a variety of other Third World and socialists news agencies including Pool from Roma and TANJUG in Yugoslavia which was selected to help set up ZIANA. Therefore it is essential to note that although each of the three media bodies illustrates aspects of national media policy changes since independence, each also bears as essential impact on broadcast output and management, enabling greater regime influence without taking the all important step of nationalisation or abolition of cooperation state.

It is also significant to discuss the influence that was exerted by the Ministry of Information on the media after independence. The ministry was involved in the finance, management and inter-media relations at the ZBC. The ministry's influence on content was the most outwardly visible to many's listening in Zimbabwe at that time after independence. As argued by Zaffiro, quoting the *Herald* of February 12, 1980, every night the ministry produced documentary films on the history of ZANU Pf and its "vanguard role in the struggle" were aired on the television. On the other hand however, sensitive stories with ethnic or political overtones, such as disturbances in Matebeleland did not appear over the ZBC. These stories were in most cases encountered only by Zimbabweans with access to foreign media sources. They were never heard of in the country.

The Ministry of Information also took the advantage of the content of ZBC to advance and promote ZANU's long term political or ideological goals. Zaffiro gives one example of the 1983 Heroes Week commemorations in which the war heroes were remembered with speeches, rallies and special events, the radio and TV had special coverage of glorifying the role of ZANU with the liberation struggle, but this often failed to mention the role and contributions of ZAPU in the struggle. The ZBC ignored the complaints that ZAPU liberation songs were being kept off the air until ZBC's regime inaction led some ZAPU supporters to storm the ZBC Bulawayo studios. This incident led to the closure of broadcasting studios that were outside Harare. Therefore broadcasting was centralised at the ZBC's Pockets Hill in Harare.

The influence of the ministry was clearly evident in the way in which the Ministry would answer all criticisms levelled against ZBC instead of the management of ZBC which was expected naturally to respond. Further influence was also evidenced in the way in which the ministry would influence ZBC to announce times and locations of ZANU PF party meetings repeatedly on the news bulletin which was not also extended to the other parties. Foreign journalists working in Zimbabwe were furnished with the specific guidelines from the ministry which had to be adhered to if one had to obtain a work permit in Zimbabwe. As also evident even up to date, some Western reporters were

denied entry after the ministry charged that they had written inflammatory stories about the March 1982 disturbances in Matebeleland. The local media however failed to report on these disturbances themselves.

3.2 Challenges to Multi-media

Government efforts to control the press emerged after independence with the government buy-out of foreign shares of major papers and creation of a parastatal management board (Zimpapers) subject to official manipulation and control through a Mass Media Trust (ZMMT), national news agency ZIANA and the Ministry of Information. Editors of the Zimpapers publications who did not move on according to government's expectations and guidelines were kicked out for instance in 1983 Farayi Munyuki, editor to the *Herald*, was squeezed out. Next to go in 1985 was Willie Musarurwa, *Sunday Mail* editor and former ZAPU publicity manager. Accusations levelled against him were that he was using his paper to publish the views of opposition parties (Zaffiro, 2002: 120).

In addition, Willie Musarurwa's successor, Henry Muradzikwa, was also fired after publishing an embarrassing account of how some Zimbabwean students had been expelled from Cuba because they had been expelled from Cuba because they had Acquired Immune Deficiency Syndrome (AIDS) (Zaffiro, 2002: 121). In the 1990s however efforts to resuscitate independent media refuelled leading to the formation of a number of independent media. One of these papers was the *Financial Gazette* which was widely read as an alternative to Zimpapers products. This *Gazette* criticised the government policy on privately-owned white commercial farms. In addition on January 23 1992 the *Gazette* published a long article by Professor Jonathan Moyo in the Political Studies Department of the University of Zimbabwe entitled *"Only a Free Press Can Save Our Country from Manipulation*". He responded to a Presidential condemnation of private weekly newspapers, magazines and individuals whom he accused of "yellow journalism".

In 1993, the *Sunday Gazette* also from Modus Publications like the *Financial Gazette*, was launched in direct competition with the Zimpapers *Sunday Mail.* Together these tended to provide the public with alternative press, purporting to be articulating the true feelings of the Zimbabweans and revealing information that the official media swept under the carpet. However Modus Publications faced its demise in 1994 borrowing heavily from its profitable *Financial Gazette* to keep its weekly and daily newspapers afloat. As a result the *Daily Gazette* and *Sunday Gazette* were closed. A new independent influential *Zimbabwe Independent* found its way onto the media scene. The government as a result began efforts to form a media council which the Zimbabwe Union of Journalists (ZUJ) argued that it would be used against private media and called for an independent media council. Further, ZUJ also asked for the repealing of laws inhibiting media freedom in particular the Unilateral Declaration of Independence (UDI) era; i. e. the Law and Order Maintenance Act (LOMA), Official Secrets Acts, the Censorship and Entertainment Act and defamation laws. For instance, the criminal defamation law was used to convict the *Gazette* reporter Simba Makunike in 1995 for publishing a story about the President Mugabe's secret marriage to his former secretary

3.2.1 Matebeleland Massacre/ Gukurahundi

One way to clarify the context in which the 1991 Windhoek Declaration was adopted and the context within which MISA-Zim was also formed is to try to assess the coverage that was given to the leading events and debates countrywide and one of them is the Matebelaland Massacre or Gukurahundi. Gukurahundi refers to the five years of the reign of terror in the provinces of Midlands and Matebeleland by Zimbabwean soldiers of Five Brigade who were trained by North Korea. According to the Zimbabwe journalists' website, Gukurahundi means "the first rains of the season which wash away all the chaff" in the Shona language which Blair (2002) has referred to as "cobras in the house". This operation began two years after Zimbabwe gained independence fro Britain in 1980 following the liberation war against the white minority government of Ian Smith.

According to the Zimbabwe journalist's website, operation Gukurahundi, condemned internationally for the violence it unleashed for five years on mainly rural Ndebele

between 1982 and 1987, ended with the Unity Accord in which the two political parties ZANU PF and PF ZAPU merged under the banner of ZANU PF. Some scholars argue that as a result of this accord the underdevelopment in Midlands and Matebeleland regions, were only lifted in the 1990s.

The ZANU PF government has consistently refused to publicize the findings of the 1983 Chihambakwe Commission, appointed by Mugabe to investigate allegations of civilian massacres. The Commission was headed by Justice Chihambakwe, then a High Court judge. The findings of another probe led the following year by retired judge Enock Dumbutshena, were also not released.

As also echoed by D Blair Mugabe was fully aware of the atrocities (Blair, 2002: 32). These atrocities have been interpreted by some as the first acts towards a one-party socialist democracy planned by ZANU PF. As early as November 1982 he was given a report by the Catholic Commission for Justice and Peace (CCJP) that documented a series of outrages committed by soldiers during the first operations in Matebeleland. He met a delegation of Catholic Bishops on 16 March 1983 and was given "damning evidence of five Brigade atrocities". After the Commission, appointed by the government finished gathering evidence in January 1984, its report was suppressed by the government and has never been revealed.

According to a report compiled in 1997 by the CCJP, a faith-based NGO, more than 20,000 civilians, mainly PF ZAPU supporters were killed by security forces during the operation. The report, "*Breaking the Silence, Building True Peace*", recorded official statements that had allegedly fanned the killings and provided evidence of mass graves and the location of mine shafts where bodies had been thrown. The report recommended a national reconciliation process, a proper burial for the victims and compensation packages for those affected, with accelerated development for the affected regions of the Southwest.

This case is one of the many cases that show the state of the media coverage during the era in which MISA-Zim was formed.

3.2.2 The Willowgate Scandal

In 1988-89 unprecedented investigated reporting was done on the Willogate car scandal by Bulawayo *Chronicle* Editor Goeffrey Nyarota and Assistant Davidson Maruziva. They discovered that Ministers in the ZANU PF party were buying and illegally re-selling cars at exorbitant prices, in violation of the government's own price controls. Despite government pressure and threats they went on to expose the scandal in their *Chronicle.*

A number of Ministers were implicated in the scandal and these were: the Minister of Political Affairs Maurice Nyagumbo who later committed suicide after the revelations of this corruption scandal; the Minister of Defence Enos Nkala who resigned in shame; the minister of Higher Education, the Minister of Industry and a Provincial governor. These revelations rendered the *Chronicle* popular and people found it noble to queue for it on a daily basis.

3.2.3 General and Presidential Elections of 1990

Another way of assessing the context in which MISA-Zimbabwe was formed is to assess the government's commitment to providing equal access to broadcasting in the 1990 elections. The main point of departure is that "in a democracy it is assumed that no one group or set of interests is systematically preferred over another and that the information available to citizens is accurate and impartial". As such the ZBC as a public broadcaster is expected to give equal coverage to all contesting parties in national elections.

However D.Moyo notes that the coverage was heavily skewed in favor of the ruling party (Moyo, 2004). In 1990, the ruling party not only violated the requirements of equal access, but also ethical standards of advertising by running intimidating radio and television adverts that likened voting for the opposition to choosing death (Zaffiro, 2002). J. Zaffiro further writes that one of the ads featured a coffin being lowered into the grave accompanied by a stern warning "AIDS kills, so does Zimbabwe Unity Movement (ZUM). Vote ZANU PF". (Zaffiro, 2002) This advertisement was meant to make a mockery of the opposition ZUM as something that was fatal and something which people should stay away from like AIDS.

In the run-up to the 1990 elections, the Zimpapers were regularly announcing the locations and times of ZANU PF rallies and giving front page coverage to their candidates' speeches, while ignoring opposition parties. The same coverage was not also given to the opposition political parties. Professor J. Mw. Makumbe argues that the formation of new parties for instance Zimbabwe Unity Movement (ZUM) and Zimbabwe African People's Union (ZAPU) was a direct response to the rise in corruption in government as well as the Unity Accord respectively (Makumbe, 1991: 181). After the Unity Accord there was no major opposition hence the civic groups realised the need to make early challenges to what seems like a drive towards a "one party socialist democracy" in Zimbabwe. Makumbe predicted that the 1990 elections were indicative of the beginning of authoritarian rule in Zimbabwe.

J. Mw. Makumbe's analysis of the 1990 elections shows that the campaign was not fair. The allocation of TV and radio advertising time was based on the level of representation of the various parties in the Second Parliament. Dr Makumbe argues that this was unfair since it ensured that the newly formed parties could only have a maximum of four minutes while the ruling party could occupy up to thirty minutes per day. He suggested rather that fairness could have been achieved by using the criteria of number of candidates fielded by each contesting party (Makumbe 1991:181). There was also a deliberate effort to avoid advertising in the newspapers and on radio and TV of rallies or any other events relating to parties other than the ruling party.

Although the government had hinted on liberalizing the airwaves in the mid 1990s as D. Moyo argues, this never came to be (Moyo, 2004). Moyo attributes this to the ZBC's financial mismanagement, Structural Adjustment Programmes which required government's in public spending. These were also fuelled by the increased agitations among students and the NGO community due to failure of SAPs to deliver better lives. Within Southern Africa there was increased pressure for plural broadcasting from CSOs particularly MISA. Its 1991 Windhoek Declaration on promoting media independence and diversity through encouraging private players in the communication sector was adopted by all SADC countries including Zimbabwe. These pressures should be viewed

in the context of the winds of political liberalization and democratization that swept across the continent in early 1990s.

Makumbe and Compagnon (2000) note that, before the 1995 election campaign, the ZBC appointed an Election Coverage Committee which decided that parties running in at least 15 constituencies would receive at least 30 minutes of free airtime on TV1, while parties with fewer candidates would receive only five minutes. However the ZBC reserved the right to edit each party's tape before airing it. (Reported in Darnolf, 1997:59 from which it is quoted in Moyo, 2004). Furthermore, in 1999 the ZBC refused to broadcast paid adverts from the (National Constitutional Assembly) NCA.

3.3. The 1991 Windhoek Declaration

A significant source for the emergence of the issue of media freedom and the subsequent Windhoek Declaration, which led to the birth of MISA, may be traced back to what is known as the United Nations Educational, Scientific, and Cultural Organization (UNESCO) censorship wars. This can be traced back to 1976 when UNESCO called for a New World Information and Communication Order (NWICO) ─ a global project to pressure news media worldwide to carry the "good news" emanating from developing countries This was a campaign that was widely interpreted in the West as an international sanction for censorship. UNESCO's Director General Amadou Mahtar M'Bow went a step further by advancing proposals of press-control programmes that a majority of governments, mainly from the Third World, greeted with approval. However Federico Mayor took over from M'Bow in 1988 and he was committed to a free press.

On the SADC region a lot of events were also happening. In Zimbabwe media violations had risen after the ruling ZANU PF adopted restrictive legislation from the colonial Smith regime and tried to consolidate its power with the sole goal of driving Zimbabwe into a one party state. In South Africa newspapers and magazines faced a battery of some 120 laws during the Apartheid era which governed what could be published and what

could not.[1] In the other Southern African countries for instance Zambia nothing unusual was happening. Having been also colonized by Britain and gone through the same media regulations, the Zambian government was also struggling with changing these regulations.[2]

It is against this background that the Windhoek Declaration was adopted and widely accepted in Southern Africa. Federico Mayor arranged the first regional press freedom conference at Windhoek, Namibia in 1991. This was the basis of the formation of MISA which was officially launched in 1992 and has developed chapters in eleven, countries mainly in Southern Africa. The countries which are members and are chapters in this regional grouping include Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. This was attended by Independent African Journalists who met with government officials representing all the SADC states. The Windhoek Declaration was accepted as a declaration of the UN at its 26th session of its General Conference and was officiated by the former Namibian President Sam Nujoma.

The Windhoek Declaration called for steps to enhance press freedom on a continent where the oppression of journalists was widespread. The Windhoek Declaration also called for the establishment, maintenance and fostering of an independent, pluralistic and free press and emphasized the importance of a free press to the development and maintenance of democracy in a nation and for economic development with all the participants agreement of theses main opinions. The declaration was adopted the following year in Kazakhstan at a similar press freedom meeting for Central Asia. Federico Mayor also designated May 3 as the Annual World Press Freedom Day, dedicated to a celebration of journalistic liberty and the assessment of threats to press freedom.[3]

[1] South Africa got its independence in 1994 hence by the time the Windhoek Declaration was adopted, it was still struggling to liberalise some of its media regulations under the colonial administration.
[2] During the Zimbabwean Liberation Struggle, the British settlers even had their first broadcasting cooperation operating in Zambia but were also listened to in Zimbabwe.
[3] May 3 has become a special remembrance of the day in which the Windhoek Declaration was first adopted and this is now celebrated every year as the Annual World Press Freedom Day.

The outcome of this meeting was that a declaration was made binding all the state representatives that were present. They declared that they would want to create environment of media consistent with Article 19 of the UDHR. Some of the concrete goals that were adopted in this meeting are: the development of cooperation between private African newspapers; creation of separate, independent national unions of publishers, news editors and journalists; creation of regional unions for publishers, editors and independents; development and promotion of nongovernmental regulations and codes of ethics in each country in order to defend more effectively the profession and ensure its credibility; financing of a study on the readership of independent newspapers in order to set up groups of advertising agents as well as financing of a feasibility study for the establishment of an independent press aid foundation, and research into identifying capital funds for the foundation.

3.4 MISA-Zimbabwe Formation

MISA-Zimbabwe was formed by a Trust on 27 August 1995 in Harare. This followed the formation of MISA (Southern African Branch) in 1992 which was a result of the Windhoek Declaration of 1991. The Zimbabwe chapter of MISA was mainly founded by media practitioners who were advancing their rights to publicize information without fearing any frontiers.

In August 1997 MISA established a fully fledged secretariat made up of four people. The first Trustees of MISA-Zimbabwe appointed in terms of the Trust Deed were Tonic Douglas Sakaike, Fanwell Sibanda, Maxwell Chivasa and Timothy Nyahunzvi all of whom are Zimbabwean citizens. These formed some of the major participants in this conference. They declared that they would adopt the MISA-Zimbabwe constitution and undertake to abide by its provisions. Witnesses to this meeting were Media Practitioners, Journalists, Government Officials from the Ministry of Information and a number of Civic Society Organizations.

The formation of MISA-Zimbabwe followed an outcry of abuses of media freedoms in the country (which roughly have been described in this chapter) after the ZANU PF

copied the media laws that were used in the Rhodesia Front to further the interests of the minority. The ZANU-PF government did not make any sweeping changes in the media industry and as such, the state was using the media as a propaganda tool for political expediency hence there are notable issues, policy positions, retributive actions and scandals that were underreported or not reported at all. These issues include the Gukurahundi massacres of 1982 to 1987, the Willowgate scandal and as well as elections that where conducted in the country. Gukurahundi Massacres received no coverage and this fuelled some tension in the south- western part of Zimbabwe. The 1990 elections campaign also received impartial coverage while issues like the Willowgate Corruption Scandal which in retrospective is symptomatic of the current cronyism in the ZANU-PF government did not receive the needed coverage. Given the above inconsistencies in the media coverage, the Windhoek Declaration was a welcome development as it consequently led to the formation of MISA and its Zimbabwe Chapter ─ the MISA-Zim.

Students and parts of the general public who were infuriated by media abuses, the CSOs and the minority for instance the Ndebele whose interests were most of the time subverted were in full support and approval of MISA-Zim's formation in Harare. Since then MISA-Zim has grown into one of the most influential organisations in the country with a big secretariat and has been supported by a National Governing Council (NGC) well as a Management and Advocacy Committee. MISA opened its membership to members of the public, with the exception of the uniformed forces, through the 2001 constitutional amendment. The organisation now accepts associate membership from people with an interest in media freedom and freedom expression. After these changes the organisation has grown into a big and influential organisation in as far as media issues are concerned in Zimbabwe.

3.5 Conclusive Remarks

The background given above is essential in understanding the media terrain that existed historically in Zimbabwe as well as the media practices that existed prior to the time that MISA-Zim was formed. These are the push factors that led to the formation of MISA-Zim.

CHAPTER 4
THE INTERNAL ORGANISATION OF MISA-ZIMBABWE

The main purpose of this chapter is to give a description of MISA's internal and external organisation. The internal organisation will dwell on the vision, mission, aims, objectives and the structure of MISA-Zimbabwe. The external organisation will discuss the main functions or activities that MISA-Zimbabwe has been involved in from two eras that is from 1995-2000 and from 2000 to date and its continuous interaction with its external environment.

In this chapter I shall firstly describe characteristics of the stated goals and values of MISA-Zim, and of its structure and resources.

4.1 Values, vision and objectives.

According to the MISA-Zim website, the vision and goals of MISA-Zim are based on *values* that seek to advance the aims and objectives of the Windhoek Declaration, promote a self-reliant, non-partisan and independent media that informs, entertains and educates and promote an environment in which media freedom can be appreciated and in which journalists can work in a professional way.

The organisation's *vision* is, according to the same website as well as to several of the interviews, to play a role in creating an environment of media freedom that promotes independence. This environment is seen to consist of:

- A media that is free, independent, diverse and pluralistic.
- Access to the media from all sections and sectors of society.
- Media workers who are critical
- Legislation and policy reform that supports media independence, diversity and pluralism.

MISA's constitution outlines the following *objectives* as their core business:

- To initiate and facilitate projects for

i) Identifying technical, financial, legal or other impediments to media freedom, devising solutions thereto and implementing such solutions.

ii) Expanding the knowledge and skills of media workers through training in structural, technical, managerial, editorial, advertising and marketing and any other aspects of media practice.

iii) Cooperating with like-minded national, regional, and international organisations in the pursuit of these objectives, and raising or sourcing funds for the same.

- To provide media practitioners with supporting services.
- To promote public awareness of media freedom as a pillar of democratic process.
- To do all such other things and engage in any other lawful activity in furtherance of these objects.[4]

4.2 MISA-Zim's internal structure and resources.

4.2.1 Membership

MISA-Zim is based on membership which shapes its core character. Qualifications for membership in the MISA-Zim were stipulated in the organisation's constitution:

- Membership shall be open to all independent print, electronic media organisations (institutional membership) and to all individual media practitioners (individual membership)
- Membership shall also be open to other professionals who fight for media freedom and freedom of expression issues.
- Provision may be made for distinguishing the status, membership fees or voting rights of institutional membership from that of individual membership.
- No members of the defence or uniformed forces can be a member of MISA-Zimbabwe.
- MISA-Zimbabwe may accept Associate membership of the defence of uniformed forces, though such members would have no voting rights.[5]

[4] MISA Zimbabwe's constitution adapted from the website www.misa-zim.co.zw Retrieved 27 March 2008.

As I understand it the justification of excluding the uniformed forces were based on the CSO's perception that they are part of the state apparatus and are, therefore, expected to normally hold the ruling government's views which were viewed often to be contrary to those of the CSO's. The uniformed forces were seen as not being allowed to openly criticise the government, hence their views were presumed to be subjectively in favour of the status quo in all instances.

Already from 1997 MISA had 350 paid up members comprising media practitioners and the media houses. Through the 2001 constitutional amendment, MISA –Zimbabwe is now accepting associate membership from people with an interest in media freedom and freedom of expression. The membership had in 2006 grown to more than a million.

4.2.2 The Trustees.

The first trustees were appointed in accordance with the Trust Deed. These were Tonic Douglas Sakaike, Fanwell Sibanda, Maxwell Chivasa and Timothy Nyahunzvi all of whom are Zimbabwean citizens. They declared that they would adopt the MISA-Zim constitution and undertake to abide by its provisions. Witnesses to this meeting were Media Practitioners, Journalists, Government Officials from the Ministry of Information and a number of Civic Society Organizations.

Timothy Nyahunzvi, one of the first trustees of MISA-Zim, is a former journalist who turned to journalism education and has also worked in public relations in Zambia and Zimbabwe. Nyahunzvi also worked in the public service of Zimbabwe and spent 16 years as a lecturer at Harare Polytechnic. His last appointment at the Harare Polytechnic was being Head of the Division of Mass Communication. He retired from Harare Polytechnic in 1997 and then became part of the first secretariat of MISA-Zim. Nyahunzvi holds a diploma in journalism and an M. Ed degree in Media Studies from the University of Wales, UK. He has conducted upgrading courses and workshops for media personnel in the sub-region apart from continued writing of media related articles in

[5] Adapted from MISA-Zimbabwe constitution retrieved from www.misa-zim.co.zw

Zimbabwe and Africa. Nyahunzvi was recently nominated to the Zimbabwe Media Commission by the Parliament's Committee on Standing Rules and Orders. I interviewed Timothy Nyahunzvi on the 30th of August 2009. It is the President who will appoint nine commissioners to the ZMC which is set up to uphold freedom of the press and enforce good practice and ethics in the media. It should be noted that the commission also has power to investigate any issues threatening press freedom and to take disciplinary action against journalists and people who work in the media and have breached the law or code of conduct.

Another of the first trustees of MISA-Zim was Fanwell Sibanda. He has some background in media issues, e.g. he is former editor of *The Chronicles* and has also worked with the Associated Newspapers of Zimbabwe (ANZ), a group of local and foreign private investors who launched *The Daily News* in 1999. As to the other two trustees it should be noted that the late Tonic Douglas Sakaike was once the political editor of a daily, *The Herald,* perceived as the mouthpiece of the ruling ZANU pf regime. He has covered issues like the Lancaster House Conference in 1979 in London.

4.2.3 Composition of the Secretariat

In August 1997 MISA-Zim set up its first secretariat, it was then made up of four people. The secretariat has grown over time, paralleling the growth of the organization as well as of the membership. The secretariat is now comprised of nine people: the director, programme officer (information and research), programme officer (advocacy), programme officer (legal), programme assistant (information and advocacy- Gender desk), finance officer, administrator, driver/messenger and finally the office orderly. It is run by people who give the organisation a professional outlook, a characteristic evident in many CSOs in Zimbabwe.

The current director Takura Zhangazha, a graduate from University of Zimbabwe and formerly also a political and human rights activist, is responsible for the day to day running of the organisation, developing and overseeing the execution of the organisation's main programmes. He was elevated to the position of director after the then director Rashweat Mukundu left MISA-Zim to join MISA the regional grouping in

Windhoek, Namibia as a programme specialist in media monitoring and research. The advocacy officer currently Tabani Moyo, ensures that advocacy programmes are ongoing and to this effect has influenced the set up of advocacy committees in the county's main cities that is in Harare, Bulawayo, Gweru, Masvingo, Mutare, Kwekwe and Chinhoyi and these advocacy committees are made up of MISA-Zim members. The advocacy committees advocate for the right to media freedom through publicity and campaigns, for instance drama, songs, road shows, pamphlets, flyers, workshops and have begun to raise significant awareness on media issues. In each city there are representative chairpersons of these advocacy committees who organise for meetings, workshops and any related events in their respective cities. The advocacy officer is also responsible for advocating for the importance community radio and has established radio initiatives in the country's major cities. The advocacy officer is also responsible for advocating for gender sensitivity programmes.

The legal programmes officer, Wilbert Mandinde, is responsible for litigation and capacity building projects. In February 2002 the secretariat introduced the Media Defence Fund whose objectives are to promote and protect media freedom by offering legal assistance to media practitioners and institutions and this project is monitored by the legal programmes officer. According to MISA's annual report (2005:22) this litigation campaign has benefited many journalists under arrest.

The assistant programmes officer Kholiwe Nyoni is also part of Zimbabwe Association of Community Radio Stations' (ZACRAS) executive committee which came out with eight community radio initiatives in the country. ZACRAS works closely with MISA-Zim and has also assisted in the finalisation of an alternative Broadcasting and Telecommunications Law to lobby parliament. Mr. Nyoni has also worked with Radio Dialogue initiative in Bulawayo, the second largest city of Zimbabwe, as Marketing and Advocacy Officer.

The information and research officer, Nyasha Nyakunu, researches and compiles data and statistics on media violations on a day to day basis and is also responsible for updating

MISA-Zim's electronic monthly *Media Alert Digest*. He also researches, sources for information and writes and publishes articles on the media laws and trends affecting media freedom in the country.

The finance officer is tasked with drawing budgets needed for executing the intended programmes and keeping the financial records. The secretariat reports to the National Governing Council.

4.2.4 National Governing Council (NGC)

According to MISA-Zim's constitution, as amended in 2008, the NGC is a seven-member council which is elected by paid up members every three years. The council consists of the chairperson, vice chairperson, treasurer and four committee members. The NCG is elected at an Annual General Meeting (AGM) at which the secretariat also presents its annual audited financial reports and also reports on activities carried out. The present council was elected at MISA-Zim's AGM last year which was held on the 26th of July 2008.

The NGC is responsible for the governing of MISA-Zimbabwe. The NGC, as stated in MISA'S constitution, is empowered to make rules governing the status and voting of its members, discipline of membership and staff, suspensions, expulsions and other sanctions for breach of MISA's constitution. The NCG meets regularly to review the work of the organisation. To ensure gender balance in the NCG, at least half of the members of the NGC must be female. With the 2008 amendment, the gender quota increased from the then 30 to 50 percent in line with the regional gender representation. This constitutional requirement is part of the broader gender policy adopted by the organisation to address issues of equity. In the current council there are three female office bearers that is the Treasurer, Angela Makamure and other two committee members Ms Mirriam Madziwa, a freelance journalist, and Ms Faith Zaba, a media and public relations consultant. The other two committee members are veteran Zimbabwean journalist Mr. Tapfuma Machakaire and photojournalist Mr. Boldwill Hungwe.

The chairperson and the treasurer are required to be residents of Harare since they are signatories of MISA-Zim's accounts and they might be needed anytime to sign for any MISA-Zim financial transactions.

4.2.4.1 The Chairperson

The current chairperson, Loughty Dube, has worked as a reporter with the *Zimbabwe Independent* in Bulawayo. Loughty Dube is responsible for chairing NGC, Annual General Meetings (AGM) and ordinary meetings. According to an article on the Zimbabwe journalists' webpage of 24 July 2009 titled *"MISA engages parliamentarians on media legislative reforms",* Loughty was responsible for chairing this meeting in which they were lobbying parliamentarians on media law reform. Apart from chairing meetings, each time MISA-Zim has to express something, explain its position to the media or to the government or any other concerned stakeholders, Loughty Dube carries the spokesperson duty. On May 8 2009 for instance Loughty Dube confirmed to the media about MISA-Zim's position to boycott the media conference organised by government actors. Loghty Dube is also responsible for presentation of MISA-Zim awards for instance he handed out the Gender and Media Awards as reported by the www.zimbabwetalk.blogspot.com of the 17th of October 2008. He also presented the Best Committee of the Year Award which was won by Kwekwe at the MISA-Zim AGM as reported on MISA-Zim website of 20 August 2009. At the same meeting he also presented MISA-Zim's annual narrative report to the AGM. Other functions of the chairperson include doing all that is necessary to direct policy formulation for MISA-Zim, delegating duties and responsibilities to other committee members and being an ex officio member of all committees that may be formed when need arises.[6]

[6] The role of the chairperson as the head of the NGC Office bearers is explained in MISA-Zimbabwe's constitution. Accessed on www.misa-zim.co.zw Retrieved 27 March 2008

4.2.4.2 The Vice Chairperson

The main role of the Vice Chairperson (VC) is to carry out the duties of the Chairperson in the absence of the said Chairperson. The VC also carries out any duties that may be delegated to him/her by the chairperson. In the absence of the VC, the NGC members present selects one of its members to act on behalf of the chairperson. The current VC is Njabulo Ncube who is also the political editor of the Harare weekly *Financial Gazette* owned by Zimbabwean investors.

4.2.4.3 The Treasurer

The current treasurer of MISA-Zim's NGC is Ms Angela Makamure who has some background in media issues. She is also the director of the Federation of African Media Women Zimbabwe (FAMWZ) established in 1985 and works on promoting gender rights in the media, collaborating with female media workers and women in poor communities to address issues such as gender violence, gender in the media and HIV/AIDS. Ms Makamure was found suitably qualified to take on this position. According to MISA-Zim's constitution the treasurer is responsible for the following:

- The Treasurer shall be responsible for the Chapter's finances. It shall be desirable for the Treasurer to have some financial or accounting knowledge.
- The treasurer shall prepare a true and audited financial statement of the Chapter's finances for the approval of the NGC within 30 days of the end of the financial year, which statement shall be presented at the first AGM to be held thereafter.
- The treasurer shall prepare and submit an annual budget to the NGC for approval prior to the commencement of the financial year relating thereto.
- In the absence of the treasurer, the NGC may appoint any one of its members to perform the function relating to the office of Treasurer and such performance shall be valid for all purposes.[7]

4.2.4.4 The Management Committee

[7] Adapted from the constitution of MISA-Zimbabwe last amended 2008.

The Management Committee is appointed by the NGC to manage the financial well-being of MISA-Zim. The constitution stipulates that the Management Committee is headed by the Treasurer who is assisted by two other members from the NGC. At least one of these two other assistants from the NGC should be a female. This committee forms a very important part of MISA-Zim because it is emphasized that for any organisation to be able to execute its functions very well, there need to be a sound and responsible financial management.

This committee is appointed by the NGC to manage the conduct of audits, to receive and approve recommendations on salary reviews, assist the secretariat when asked to do so as well as make recommendations on finance and administrative policy apart from managing the financial well being of the organisation. The Management Committee should meet at least three times in a year. The head of this committee is also liable to keeping records of all their meetings which at any time might be demanded by the NGC for inspection.

4.2.4.5 Advocacy Committee

These were established by the Secretariat as an expansion of its advocacy work. MISA-Zimbabwe established advocacy committees in the country's main cities that are Harare, Bulawayo, Gweru, Masvingo Mutare, Kwekwe and Chinhoyi made up of MISA-Zimbabwe's members and representatives of CSOs.

The advocacy committees advocate through the use of drama, songs and mainstream publicity strategies in the form of pamphlets and flyers. These are also tasked with ensuring the expansion of the organization in terms of membership and linkages with other organizations. In recent years this has seen the membership of MISA rising up from 320 members in 1997 to about more than a million in 2006. The publicity of MISA-Zim has also largely benefited from these committees' campaigns of popularizing the organization. In addition they also hold workshops on different issued concerned with media freedom and freedom of expression where they educate the public and make them

aware. The various advocacy committees which were created in the main cities of the country are responsible for fixing venues for meetings, organizing meetings and workshops in their responsible cities.

4.3 The Funding of MISA-Zim.

MISA is basically funded by donors from Scandinavian countries. These grants constitute a larger percentage of MISA-Zimbabwe's total budget. MISA-Zim has four main donors from Scandinavia and it also gets funding from the Netherlands. The main funding organisations are Danish International Development Agency (DANIDA), Norwegian Agency for Development (NORAD), Swedish International Development Cooperation Agency (SIDA), and Humanist Institute for Development Cooperation (HIVOS) among others with their partners Netherlands Institute of Southern Africa (NIZA) and Open Society Initiative for Southern Africa (OSISA).

Besides this basket funding, MISA-Zim members also come in with subscription fees either as individuals or as organisations. These fees constitute, however, a very small fraction of the organisations total expenditure and it should also be noted that these fees are often not reliable source of funding. Many members often do not pay up their dues as expected because of the ever sky-rocketing inflation that has hit the country. Another source of income also comes as cash or kind from the local individual donors and well-wishers.

The income-based grants sometimes fluctuate depending on specific projects the organisation is supposed to undertake within a particular time frame and the total expenditure budget drawn to effectively carry out that project. Specific figures and further information on these accounts were not obtained, neither during interviews nor in any documents belonging to the organisation. Several of the interviewees told me that information on funding was regarded as classified information.

MISA relies on foreign funding basically because the government is not interested in funding rights organisations despite the fact that it has a constitution and pursue policies that promote rights, yet it still does not want to allocate any money to these organisations and include them in their national budget towards the advancement of these rights. More often this is left to the responsibility of foreign donor organisations who are viewed as "tools of imperialism" to put it in the President of Zimbabwe's words. In Zimbabwe these types of organisations are, according to the "official" view "enemies of the state" that are trying to remove the current regime. The SADC protocol, which is a regional commitment by SADC governments, clearly recognises media freedom, and the right to access to information, yet governments will never fund programmes that try to promote these issues. This is Africa's dilemma and particularly Zimbabwe's dilemma, and MISA-Zim, therefore, ends up having to look up to friendly donor institutions for funding.

4.4 Key Programme Areas

Already when MISA-Zim was set up five key programme areas were formulated. I regard these five key programmes taken together as covering the four elements in which I have operationalised media freedom in practice. And the description and discussion of the MISA-Zim activities will be predominantly in terms of these programmes.

First is the campaign for freedom of expression and the right to information which seeks to contribute to a situation where media freedom and the right to information are accepted as basic human rights and reflected in the constitution. Under this programme, the intention of MISA-Zim is to campaign for more access to information not only for media practitioners but also for the rest of the society.

The second programme area of MISA-Zim was established to closely monitor media freedom and freedom of expression violations. The rationale behind this program area has been that to document and publicize these violations as a way of militating against such future violations.

Campaign for broadcasting diversity also forms one of MISA-Zim's programme areas. This programme provides an outline of MISA-Zim's framework for the campaign for a conducive broadcasting environment in which the three tier structure of broadcasting is democratically regulated. The campaign focuses on how the public broadcaster can be run more independently and transparently, how regulatory authorities can be made more autonomous to enable them to regulate community, commercial and the public broadcasters using internationally accepted and democratic standards.

The fourth of MISA-Zim's program areas concentrate on giving support to the media. Under the media support programme, the main goal is the establishment and promotion of media accountability, professionalism and self-regulatory mechanisms and support of media organisations and journalists to enhance professional and knowledgeable reporting on issues in society through training, and research and adoption of best practices in media houses.

Finally, through its fifth programme area MISA-Zim is deeply embedded in legal support whose main aim is to fight repressive media laws through strategic interventions and offer support to victims and lawyers and influence public opinion through exposure of court cases against victims of media violations. From the first five years since its inception MISA-Zim has focused on these five key programme areas. In its second Strategic Partnership Programme SPP, 2 (2005-2010) the organisation added ICT as an area of concern and also stated that it would put more focus on Gender activities[8]

4.5 Conclusive Remarks

The background given above is necessary in understanding the organisation under study before dwelling into the analysis of its activities in promoting FOE and media freedom in Zimbabwe.

[8] Strategic Partnership Programme is a detailed forecast of the activities to be dwelled upon in a space of five years. For instance SPP1 has detailed plans which were mapped out for the period from 2000-2005 and SPP2 is a provisional plan from 2005-2010. However some of the forecasted plans can be changed or fine-tuned due to situational demands.

CHAPTER 5
THE EXTERNAL ORGANISATION OF MISA-ZIMBABWE

Zald (1973:26) stresses that a public organisation is part of a policy subsystem, an arena of individuals, groups and organisations of "relevant others" affected by and interested in a given policy. The relevant others have a role to play or an interest in influencing an area of policy for which a particular public organisation has prime concern. These relevant others represent a variety of actors in and out of government; interest groups, competing public organisations; superior organisations; individuals; appropriation subcommittees; subject matter committees and staff agencies. These relevant others as Zald further stipulates, might relate in many different ways to the organisation in question that is they can relate in a competitive, cooperative, hostile, overseeing, reviewing, controlling way. However regardless of the role they play, they shape the mandate and conditions of the existence of a public organisation. It is also pertinent to note that these relevant others differ in amount of influence they exert or resources they can bring to bear on an organisation and their personal readiness to influence the organisation. Organisations can however manipulate their environment of existence to get desirable outcomes. In addition, as suggested by Zald, organisations' environments vary in terms of the precariousness of the values their means and ends represent.

It is against this background that this chapter will try to assess MISA's external organisation. It is also important to not that these activities described here in chapter five explains the dependent variables of this study. This chapter discusses the activities that MISA-Zim is involved in and also identify the actors who relate with MISA Zimbabwe and how they relate, whether the relationships are complementary, cooperative or hostile and so on, what resources the particular actors have and how they affect and influence the mission and activities of MISA-Zimbabwe and how these resources are applied. Actors to be discussed in this particular paper entail other CSOs, government agencies, the general public, and opposition political parties.

5.1 MISA-Zimbabwe's activities from 1995-2000

When MISA-Zim started to execute its programmes, it was faced with a legal environment that it perceived as restrictive. This environment according to media organizations was littered with pieces of legislations which would make media operation and FOE difficult to practice. MISA-Zim therefore had to figure out ways to adapt to this kind of environment and also to develop ways of influencing the legal framework it confronted. MISA-Zim was faced with the Criminal Defamation Law, Entertainment and Censorship Act, sections of the Official Secrets Act and sections of the Emergency Act that it perceived as restrictive to media freedom and freedom of expression. In addition MISA-Zim also faced the Zimbabwe constitution in which freedom of expression is explicitly guaranteed but not media freedom.

5.1.1. Programme Area A: Freedom of Expression and Right to Information Campaign.

From the start of its existence, MISA-Zim started mobilizing the media and developing and strengthening networks with other like-minded organizations in order to be prepared and empowered to fight the repressive media laws that were hindering the practice of media freedom and freedom of expression in Zimbabwe. Early relations with other organizations include the formalization of relations with the Zimbabwe Union of Journalists (ZUJ) which is also concerned with journalistic and media freedom as well as freedom of expression. In addition, MISA-Zim is one of the three organisations that formed a joint initiative that led to the formation of MMPZ in 1991. The other two organisations that were part of this initiative are the Catholic Commission for Justice and Peace (CCJP) and the Article 19: Global Campaign for Freedom of Expression. The MMPZ however became an independent Trust in March 2000. This initiative, in which MISA-Zim was an active party, is very important in the sense that it led to the emergence of a new actor on the media arena in Zimbabwe. Most importantly MMPZ was going to be an essential actor and partner to MISA-Zim in particular through its role in monitoring all news releases and current affairs in Zimbabwe and it would become a formidable organisation in protecting media freedom and freedom of expression. Later MMPZ,

MISA-Zim, ZUJ and ZINEF would form an important alliance in the media and freedom of expression discourse in Zimbabwe.

A principal activity of MISA-Zim during all the years after 1995 has been lobbying of the government to repeal the laws which MISA-Zim has taken as hindering the practice of media freedom and FOE in Zimbabwe. These laws are:

5.1.1.1 Censorship and Control of Entertainments Act (Chapter 10:04)

The purpose for which this act was created was to regulate the content of material intended for distribution to the public. It is an offence under section 11 of this Act to publish any "undesirable" publication. The term undesirable is defined as 'any matter that is indecent or obscene or is offensive or harmful to public morals or any obscene medical, surgical or physiological details the disclosure of which is likely to be offensive or harmful to public morals'. According to a MISA publication, *Undue Restriction* (2004:124), the question of public morals is controversial and surrounded by ambiguity. Restrictions based on the protection of public morals are thus criticised on the basis that they do not provide for certainty as required by the Constitution and international law. Although this law was created way before 2000, it is still in use and has been used effectively to thwart the independence of journalists. From 2000, those journalists who showed independent kind of thinking were criminalised under this act.

5.1.1.2 Official Secrets Act (Chapter 11:09)

The main provision considered repugnant to media freedom by MISA-Zim in this act is section 4. This section is modelled on the now repealed section 2 of the United Kingdom Official Secrets Act of 1911. The thrust of this provision is to criminalise the unauthorised disclosure by a state employee or government contractor of any information that he/she has learned in the course of employment of while carrying out a contract. MISA-Zim has argued that this law is a catch-all provision that punishes the disclosure of information even though the disclosure does not harm the public interest. The act has an

inhibiting effect on media freedom in that public servants are reluctant to provide the media with official information in the absence of express authorisation for fear of falling foul of this section. While there are no reported convictions, media practitioners have from time to time been threatened with prosecution under the Act, although the charges have later not been pursued.

5.1.1.3 Privileges, Immunities and Powers of Parliament Act (Chapter 2:08)

Section 22 of this Act creates the offence of contempt of Parliament. Members of the media will be in contempt if they:

a) Willfully fail or refuse to obey an order of Parliament;
b) Refuse to be examined or to answer any lawful and relevant question put by Parliament;
c) Publish the proceedings of a committee of Parliament or evidence given before such a committee before the proceedings of the committee have been reported to Parliament;
d) Willfully publish a false or perverted report of any debate or proceedings of Parliament or willfully misrepresent any speech made by a member;
e) Publish a defamatory statement reflecting on the proceedings or character of Parliament or committee of Parliament; and
f) Publish a defamatory statement concerning a member in respect of his conduct in Parliament.[9]

MISA-Zim has written and submitted its position to parliament. MISA-Zim's position has been that the definition of contempt of parliament is very wide and significantly inhibits the ability of the media to report critically on the proceedings. It may also undermine journalistic privilege. For example, if there has been an information leak from a parliamentary committee to the media, parliament can order the journalist who wrote the story to reveal his/her source. The provision was used in 1995 against the editor of the *Financial Gazette*, in an attempt to compel him to reveal the source of a story alleging

[9] S v Modus Publications (Pvt) Ltd and another 1996 (2) ZLR 553 (S).

corruption by senior government officials (Willowgate Scandal). The story quoted an unnamed member of a Parliamentary select committee as its source. MISA-Zim has written position papers and submitted them to parliament for the repeal of this legislation since it forces journalists not to publish certain issues for fear of being called to reveal their sources which would have given them information in confidence. In addition those individuals willing to give information to the journalists will also withhold information for fear of revelation of their identity which more often leads to victimization.

5.1.1.4 Common Law of Criminal Defamation

Zimbabwean law provides for the common law offence of criminal defamation. The offence consists of the unlawful and intentional publication of matters that tend to injure another person's reputation. The defamation must be serious to constitute an offence. The degree of seriousness is determined with reference to the extravagance of the allegation, the extent of the publication and whether the words are likely to detrimentally affect the interests of both the state and the community.[10]

MISA-Zim in the *Monthly Alert Digest* of September 2009 posted on its website and titled*"Inclusive government should fulfil obligations on media freedom"*, has openly criticized the government law makers for coming out with such a law. MISA-Zimbabwe's main criticism of this offence is that that it is ill-defined and, because of its ambiguity, it discourages the media from criticizing government ministers and policies, or the expression of political dissent. MISA-Zimbabwe also argues that the civil law provides adequate redress in cases of defamation. The criminal defamation law was used to convict *Gazette* reporter Simba Makunike in 1995 for publishing a story about President Mugabe's secret marriage to his former secretary. To date this law is being used more than ever before to criminalise journalists as reported by MISA-Zim's *Monthly Alert Digest* of September 2009 posted on their website.

[10] S v Modus Publications (Pvt) Ltd and another 1996 (2) ZLR 553 (S).

Editor of *The Chronicle* which is considered as a mouthpiece of the ruling regime together with a reporter of the same daily, faced defamation charges in contravention to section 96 of the Criminal Defamation law. They were charged over a story published in their paper alleging that the police were involved in a major maize scandal at the Grain Marketing Board. MISA-Zim has noted that the two are the first state journalists to be charged under any repressive media in Zimbabwe, a sign that even state journalists are also eager to reveal government related scandals. MISA-Zim has publicly criticised their arrests and has urged the judicial authorities to drop their charges in press release published on www.theindependent.co.zw , one of the daily independent papers, on 16 April 2009 titled *"MISA condemns charges against reporters*".

5.1.1.5 Constitutional guarantee of media freedom

The constitution of Zimbabwe as it stands today, does not provide for an explicit constitutional guarantee for freedom of the media. This has therefore been a main concern of MISA-Zim. The organisation has from its beginning tried to negotiate with the lawmakers to have media freedom guarantee in the Zimbabwe constitution. The government officials in the ministry of information and also the Judiciary argue that FOE does not extend to freedom of the media. The MISA-Zimbabwe Strategic Partnership Programme 2 (SPP2) Report (a report that gives detailed programmes to be carried out in the next five years). The SSP 2 has documented that as of now there is non-existence of an explicit guarantee to protect media freedom. The report further stipulates that the government officials perceive media houses as businesses and political tools of the West hence cannot be accorded the same rights to FOE as ordinary persons. According to *The Daily News in Exile*, in an article titled *"Repression of media freedom and FOE intensifies in Zimbabwe"* of 3 May 2007 written by the research and information officer of MISA-Zim, fewer and fewer independent media were exist in the country. The article complained that media organisation continue to be attacked as agents of imperialism.

According to an interview with the Advocacy Officer, MISA-Zim thrives on writing and publicizing articles addressing issues of media and FOE to induce a sense of awareness to

the public's right to FOE. Flyers were spread (undated) and articles detailing media laws were also published through their website and the newly formed relations with various editors from independent media. Campaigns against laws that impinge on media freedom were also launched and have challenged laws like Law and Maintenance Order, Official Secrets Act, Printed Publications Act and Powers and Privileges of Parliament Act among others.

5.1.2 Programme B. Media and Freedom of Expression Monitoring.

Zimbabwe is one of the countries in which ordinary readers of newspapers can be targeted for reading certain newspapers. Authorities can arrest, harass and intimidate media practitioners, publishers, and vendors with impunity for publishing, selling or buying certain newspapers. For instance in MISA's annual publication, *So this is Democracy* (2008:139), unknown assailants on May 23 waylaid and set ablaze a truck-load of about 60 000 copies belonging to *The Zimbabwean on Sunday*. On May 17 as stipulated by the same report (2008:139), a freelance journalist sustained a swollen lip after being assaulted by an unknown group of people. After independence the government sought to control the media as a political tool of furthering its own selfish interests on staying in power forever. Therefore apart from direct influence on the state media that is through influencing the hiring and firing of management and also influencing the media content, the so-called independent media can be targeted for arrests, harassment and intimidation as a coercive way of influencing what they will publish next.

MISA-Zim has documented and publicized these violations as a way of militating against such future violations. Research has shown that the publication of violations especially by the state on media practitioners and other members of society may act as a protective wall as authorities become more cautious in future[11]. In short, no government however undemocratic would want to be seen or perceived as such. Between 1994 and 2003

[11] Defamation (Report 75), New South Wales Law Reform Commission (NSWLRC), Oct 1995

MISA-Zim has recorded 1521 individual violations against media practitioners and institutions in the SADC region with Zimbabwe scoring the highest rate of violations[12].

As stipulated by the MISA-Zim Director in an interview, well documented violations monitoring reports have provided MISA-Zimbabwe with leverage in challenging the state actors for instance the Minister of Information, MIC Chairperson and so on not only through supporting its membership through litigation but also filing submissions with various commissions of human rights such as the African Commission on Human and Peoples Rights (ACHPR) and the UN Rapporteur on Human Rights. Through monitoring media and freedom of expression violations MISA-Zim has been able to mount constitutional challenges and other court cases and submissions to international human rights bodies can be made possible.

In 1998 MISA-Zim launched the publication on a monthly basis of the electronic "*Media Alerts Digest"* which chronicles the media and FOE violations that would have taken place for the whole month. This publication has gone a long way in spreading the violations that would have taken place. Since it was launched, this digest has been a convenient way of communicating with that target population group which has access to internet like public and private employees as well as students. Annually MISA the regional grouping, publishes *So This Is Democracy? The State of Media Freedom in Southern Africa* This publication highlights the state of media freedom and FOE in the whole SADC region. This publication is distributed locally, regionally and internationally. The current edition therefore details media freedom violations in 2008. Archives of this information are also kept for future referencing and for lobbying the government officials for instance the parliament or ministries like the Home Affairs in which the police fall under.

5.1.3 Program Area C: Broadcasting Diversity

From the onset MISA-Zim started to mount criticism of the broadcasting sector in the country. In this thesis I argue that the monopolizing of broadcasting sector practiced by

[12] MISA webpage http://www.misa.org/media mediamonitoring.html

the Smith regime was also copied by the new black regime and has remained unchanged up to the time of MISA-Zimbabwe's formation and even to date. This is evident in the structure and functioning of the boards that govern broadcasting in the country.

As explained in Chapter Three, the Zimbabwe Inter-African News Agency (ZIANA) was formed among other media bodies to regulate the operations of broadcasting. It is pertinent to note that before ZIANA's inception in 1981, the South African based Inter-African News Agency (IANA) controlled most news floors into and out of the country. IANA was therefore viewed as a neo-colonial tool disregarding the sovereignty and independence of Zimbabwe by the ruling regime. The major goal of ZIANA as interpreted by Zaffiro was to ensure diversification of foreign news sources, away from the dependence on the "big five" Western wire services (Zaffiro, 2002: 87). As a result of this measure, news sources that were not from Africa or from other Third World countries were dropped and a few were maintained while African sources were largely maintained and Zimbabwe became a supporter of Pan-African News Agency concepts.

On the other hand the Ministry of Information was also exerting a lot of pressure on the media after independence. The ministry was involved in the finance, management and inter-media relations at the ZBC. The ministry's influence on content was the most outwardly visible to many listening in Zimbabwe at that time after independence and these largely favoured the ruling ZANU PF party while scandals involving government officials were never heard of, for, instance the Willowgate scandal and the Matebeleland Massacre. These stories were in most cases encountered only by Zimbabweans with access to foreign media sources.

The Ministry of Information also took the advantage of the content of ZBC to advance and promote ZANU's long term political or ideological goals. Zaffiro gives one example of the 1983 Heroes Week commemorations in which the war heroes were remembered with speeches, rallies and special events, the radio and TV had special coverage of glorifying the role of ZANU with the liberation struggle, but this often failed to mention the role and contributions of ZAPU in the struggle. The ZBC ignored the complaints that

ZAPU liberation songs were being kept off the air until ZBC's regime inaction led some ZAPU supporters to storm the ZBC Bulawayo studios. This incident led to the closure of broadcasting studios that were outside Harare. Therefore broadcasting was centralised at the ZBC's Pockets Hill in Harare.

The influence of the ministry was clearly evident in the way in which the Ministry would answer all criticisms levelled against ZBC. Further influence was also evidenced in the way in which the ministry would influence ZBC to announce times and locations of ZANU PF party meetings repeatedly on the news bulletin which was not also extended to the other parties. Foreign journalists working in Zimbabwe were furnished with the specific guidelines from the ministry which had to be adhered to if one had to obtain a work permit in Zimbabwe. As also evident even up to date, some Western reporters were denied entry after the ministry charged that they had written inflammatory stories about the March 1982 disturbances in Matebeleland. The local media however failed to report on these disturbances themselves.

Faced with such kind of an atmosphere, MISA-Zim started to engage other like-minded organisations to lobby the government collectively. Early relations were formed with organisations like the ZUJ which has been in this area of journalism and media freedom from 1985. MISA-Zim started to lobby the government for an independent broadcasting commission that can operate without the influence of the Ministry of Information and publicity. In addition they also lobbied for a commission that would be impartial and make it possible to disseminate information from people from different political parties. The situation has however remained unchanged since the president is still appointing member to the media commission and also to the ZBH board that regulates broadcasting in the country.

Position papers were written by MISA-Zim on the then broadcasting scenario and their suggestion on what would be desirable in the broadcasting sector in an effort to influence government policy. Other submissions were made to the African Charter on Broadcasting and the African Commission on Human and People's Rights to put pressure on the ruling

government for reforming the broadcasting sectors in Zimbabwe. The MISA-Zim Senior Programmes Officer explained in an interview that in 2000 MISA-Zimbabwe complained to the ACHPR over delays in finalising the admissibility of *Capitol Radio*. The station began working in 2000 after successfully challenging the monopoly of state owned ZBC but was however later closed again. MISA-Zim openly criticised the government for being the only broadcaster in the country and urges the government to give licences to other private broadcaster. In addition MISA-Zim also openly criticised the way in which the government was directly involved in the broadcasting affairs, its management as well as broadcast output.

5.1.4 Programme D: Media Support.

Since inception, MISA-Zim has been training journalists to practice good journalistic cultures, reporting in a volatile country like Zimbabwe and so on as stipulated in an interview with the Senior Programmes Officer. The training of journalists has been on MISA-Zim's agenda since formation and many journalists have benefited from this programme.

It should be noted that the training of journalists to cover issues like HIV/AIDS and gender sensitivity were added to this programme much later. The HIV/AIDS issue for instance around the period from 1995-2000 was still curtailed in stigma hence not so much was said in relation to these issues.

At the regional level, MISA has been training journalists on good ethics of reporting, professionalism and accountability which are the core of the art of journalism.

5.1.5 Programme E: Legal Support.

The Legal Support Programme has been one of the busiest programmes since the formation of MISA-Zim as a result of the legal framework governing media freedom and freedom of expression in Zimbabwe. The organisation began to build and strengthen its media law research capacity in order to compliment advocacy and lobby work according to an interview with MISA-Zim Legal Officer. This officer, Wilbert Mandinde, has been

involved in researching on media laws and writing and writing MISA-Zim's critics to these laws.

MISA-Zim has submitted its position papers on laws like the criminal defamation, the constitutional guarantee of media freedom among others. These writings have been used in lobbying the governmental actors mainly the law makers in Zimbabwe. Apart from submissions made to the governmental actors, MISA-Zim has also lobbied other regional groupings for instance the ACHPR and UN. Through the Legal Support Programme MISA-Zim has also been looking at coming up with alternative legislation to be used for lobbying the legislative body and other relevant state authorities.

5.2 Activities of MISA-Zimbabwe from year 2000 to date

The year 2000 and onwards marks an important benchmark in the politics of Zimbabwe. At the turn of the 21st century there began to mount growing challenge to ZANU PF's political dominance. On one hand, by 1999, it was crystal clear that for once in its long life, ZANU PF was confronted with an increasingly popular opposition party MDC which appeared as organised and threatening as any opposition political party could be.

This strong opposition coupled with an increasingly independent and assertive media for instance the launch of The Daily News in 1999 which was very critical of government, led the ZANU PF to panic and as a result started intensifying its attempts to frustrate the independent media. According to *The Daily News in Exile* of 3 May 2007 in an article titled *"Press Freedom, Safety of Journalists and Impunity in Zimbabwe",* the coming of the Daily News gave a new and much needed voice to an oppressed people. The publication instantly became the largest selling nationwide peaking at about 129.000 by June 2000 while The Herald, a state daily and mouthpiece, went down from 160.000 to 50 000 during the same period. In addition in this article authored by founder and editor-in-chief of the banned *The Zimbabwean* and *The Daily News,* the author shares his own experiences of how he was arrested on six different occasions, how the police came to pick him under the cover of darkness and how he was handled personally by the nephew

of President Mugabe. Verbal attacks were also used by government to attack independent media. For instance the then Minister of Information and Publicity Jonathan Moyo was quoted on January 26 2001 saying, "*The Daily News* has become a threat to national security and must be silenced once and for all". Two days later there was an explosion at *The Daily News* in which they lost their printing equipment. To frustrate independent papers the government used the war veterans (also used to spearhead the seizure of white-owned farms) to stage demonstrations against *The Daily News.* A book authored by Geoffrey Nyarota, who also wrote the article discussed above, has also detailed the trials and tribulations of independent press in Zimbabwe. The book is titled *"Against the Grain, Memoirs of a Zimbabwean Newsman"* and was published in 2006 in South Africa.

On the other hand the 22 February 2000 Constitutional Referendum also marked a turning point in the fortunes of ZANU PF and for many, this was an essential milestone in the political history of Zimbabwe. In the Referendum, the people resoundingly rejected the government-sponsored draft constitution, the first time that ZANU PF was ever defeated in an election. The constitution was drafted by the Constitutional Commission which was handpicked by the government and although they included a provision mandating official acquisition of land on compulsory basis without compensation, the majority still voted against the referendum. The loss in the referendum was therefore a wake up call for ZANU PF and also its first indication that they were starting to lose its usual total grip on political power.

Following the constitutional referendum was the June 2000 parliamentary elections in which the MDC won a significant number of parliamentary seats, close to an overall majority of those which were openly contested (In Zimbabwe the president appoints 20 members of parliament directly). The MDC as a result became the first party to wield parliamentary influence since the 1987 Unity Agreement between ZANU PF and the then major opposition party PF ZAPU. After having escaped defeat by a whisker in the parliamentary elections of 2000, ZANU PF as the governing party started putting in place a number of measures ahead of the 2002 presidential elections, to increase its control

over the media, access to information and also the electoral process. These measures intensified in the run-up to the March 2002 presidential elections.

The ruling ZANU PF party resorted to using state-sponsored militia under the masquerading as National Youth Training Service, to terrorise political dissent while simultaneously tightening control over both government and non government media. According to a report published by The Solidarity Peace Trust website in Zimbabwe and South Africa titled *"An overview of Youth Militia Training and Activities in Zimbabwe, October 2000- August 2003",* the youth militias were used as instruments of the ruling party to maintain their hold on power by whatever means. The militia raped, tortured, murdered and performed arson after being brainwashed by the ruling ZANU PF party to carry out its political agenda. They were reported to have even undergone training to commit these violent crimes. For the government media both in the print and broadcast, more direct control and influence of government started to be evident. The government started sacking the independent-minded editors and senior journalists in the ZBC and its papers. This state of affairs has remained visible even to date. According to the IFEX website of 10 November 2009 the state-controlled ZBH suspended three workers- a news editor, a chief producer and a bulletins manager for disobeying the order given by the ZBH CEO to stop reporting stories involving the opposition MDC- Tsvangirai faction who has partially withdrawn from the Unity Government alleging lack of commitment to honour the Global Political Agreement on the ruling ZANU PF's part.

In regards to independent media, attacks became more and more visible and these attacks were both verbal and physical. Early victims were independent media houses like *The Daily News* which suffered two bomb attacks with one coming just before the 2000 parliamentary elections and another in January 2001 destroying its printing presses before finally facing its own closure in September 2003. Since then, a series of organised attacks, harassment and intimidation of media workers has been the order of the day and these are made possible by a series of restrictive legislature that found their way onto the political arena of Zimbabwe.

The final development on the political scene has been the formation of the Unity Government between the ruling ZANU PF party and the opposition MDC under the Global Political Agreement (GPA). The unity government was formed in September 2008 after a stalemate in the March 2008 presidential and parliamentary elections and also the alleged rigging of the 2002 presidential elections in which the opposition MDC claimed to have won the election. This development raised hope for change and hope foe the betterment of life socially, economically and politically. Even media organisations, houses, journalists are hoping for change in the restrictive ways in which they operate n since this is one of the agreements in the GPA. However after a year in operation, the unity government has not changed much on the political scene in Zimbabwe. Journalists still get arrested, intimidated and harassed as before and no meaningful repeal has been done the restrictive media and FOE laws. Speaking on the MISA-Zim AGM held in Harare on 15 August 2009, MISA-Zim's NGC chairperson urged the inclusive government to fulfil its obligations on media reform. He reiterated that arrests are still rampant and mentioned a case of two *Zimbabwe Independent* reporters who were arrests under Criminal Law (Codification and Reform) Act after exposing the police and CIO in an abduction case. An editor from *The Standard* was also mentioned as one of the arrested media workers. The opposition MDC has blamed this on the lack of commitment on the part of ZANU pf ruling party. This game has been ongoing and according to the IFEX website of 16 October 2009, the MDC Tsvangirai faction partially withdrew from the inclusive government until the resolution of outstanding issues had been solved between the two parties.

5.2.1 Programme A: Campaign for Freedom of Expression and the right to Information

5.2.1.1. Constitutional guarantee of media freedom

The point of departure stems from the fact that the constitution of Zimbabwe does not provide for an explicit constitutional guarantee for freedom of the media. This has been on the agenda of MISA-Zim since its inception. Although MISA-Zim started to lobby for

the constitutional guarantee of media freedom from 1995, the lawmakers have made no attempts to reform the constitution. However from the period after 2000, the government was facing for the first time in its history, an organised opposition political party also participating in the parliamentary elections hence sought to tighten all the possible avenues to maintain a grip on power. Before the MDC was formed, the ruling party never had any serious opposition. The last time the ruling government had had opposition was before 1987. In 1987 ZANU PF signed the unity accord with the then major opposition party PF ZAPU.

The main opposition party in the 2000 parliamentary elections, Movement for Democratic Change (MDC), managed to win 57 seats in parliament and most of its support was in urban areas. This posed an unexpected threat to the ruling ZANU pf party which scrambled to use any tool at their dispensation to stay in power. Thus the government officials openly argued that FOE does not extend to freedom of the media. In 2003, while handling the IJAZ case, the Chief Justice noted that it was difficult for the Supreme Court (Supreme court Judged are appointed by the President) to defend media as a constitutional right when it is not specifically guaranteed in the constitution. The main fear was that if the media is given freedom, it was going to spread the ideology of the new emerging MDC party hence the ruling party would lose elections. According to The Daily News in Exile report of 3 May 2007 titled *"How Times have changed"*, the formation of the vibrant opposition MDC party was followed by a massive defeat of the government in the Constitutional Referendum and this meant that media workers had to lose their right to report so the ruling party could win the 2002 elections.

To this end the government has been accused of demonizing the independent media which according to them is synonymous with the opposition and is allegedly funded by the British like in the case of *The Daily News.* The SPP2 report noted that the *Zimbabwe Independent* in an article of 10 October 2004 written by *The Sunday Mail* (also considered as a mouthpiece of the ruling regime) was called "a satanic newspaper that is devoting space to demonizing Zimbabwe". According to an interview MISA-Zim's

Information and Research Officer, MISA-Zim had documented this evidence and used it to lobby the government for freedom of the media constitutional guarantee.

5.2.1.1 POSA (Public Order and Security Act)

After the 2000 parliamentary elections in which the government almost lost to the MDC party, the government sought to be more repressive that it had been before. The government sought to make impossible all the rallies that the opposition wanted to have or any kind of associations of that kind. Therefore the government out of desperation to stop the opposition from being popular drafted POSA. W. Olaleye who has written about the challenged to democratization in Zimbabwe (2005:70), points out that this law had the most effect on all political activities by opposition, civic groups and the media. According to this law promulgated on 22 January 2002, any gathering of more than five people requires the approval of the police. Therefore it handicapped all associations since the police would not give any mandate of associations to monopolize power within the ruling regime. Moreover the police would not give any explanation whatsoever about their refusal to grant permission. Parallels are drawn between POSA and the colonial LOMA of 1960. Not only did the act criminalize criticism of the president, it conferred immense powers on the police to control or prohibit public assembly and has unprecedented provisions severely limiting freedom of speech, expression and association guaranteed under the Zimbabwean constitution. However major inroads were made by MISA-Zim and other CSOs and resulted in the POSA amendment Bill in January 2008. Through continuous lobbying of parliamentarians and campaigning against POSA, the law was amended. With the POSA Amendment Bill, police will be required to enter into dialogue with the organizers of the gathering before prohibiting the meeting from taking place. In my opinion, if implemented into action, this law will bring the dawn of a new era of improved relations between public meeting organizers and police. In addition another significant change which was made to POSA is that those intending to organize public meeting, political rallies or demonstrations will now appeal to a magistrate court if the regulating authorities (police) prohibit them from holding the

planned meeting. Before this was a matter that was handled by the Minister of Home Affairs.

5.2.1.3 AIPPA (Access to Information and Protection of Privacy Act**)**

This law was also proposed after the government survived a defeat by the opposition MDC in the 2000 parliamentary elections. In order to stay in power the government became more and more repressive than ever before. AIPPA was tabled before parliament in 2001 by the then minister of Information and Publicity, Jonathan Moyo. For MISA-Zim and other CSOs in the country, AIPPA has a strict regime of licensing journalists and media concerns and has provisions for punishing practitioners for publishing 'falsehoods'. It was not enacted into law until after the 2002 elections and stakeholders attributed the delay to concerted protests staged against the government (Olaleye 2005:70). It is also reasonable to suggest that the ruling government did not want to lose popularity before the elections hence had to wait until election victory (Public Choice Theory[13]). Like POSA, this Act has also been amended and is now reconstituted as the AIPPA Amendment Bill. This Act also creates the media commission in Zimbabwe. Formerly known as the Media and Information Commission (MIC), the new act has now reconstituted the media commission as the Zimbabwe Media Commission (ZMC). Although these changes will go a long way in the betterment of media freedom and FOE if there is commitment on the part of the government to make these changes work, MISA and other CSOs are already sceptical. MISA-Zim has complained that the government proposed to make changes to those parts of AIPPA dealing with media regulation and accreditation of journalists without among other issues addressing the right to access information by public bodies. Even foreign media workers have not been spared by AIPPA. According to a MISA-Zim report named AIPPA Five Years On (2007:3) two journalists working for the Botswana Television became the first victims of AIPPA and were questioned over their accreditation.

[13] Public Choice Theory is a behavioral concept often used to describe the interaction between politicians and government officials according to the Wikipedia. A key formulation in public choice theory is rational choice the agent-based proportioning of scarce means to given ends. In this case this theory explains how the actions on the ruling ZANU PF party were calculative towards an end that is holding on to power.

5.2.1.4 BSA (Broadcasting Services Act)

Like POSA and AIPPA this also came after the 2000 as part of the ruling government's plan to be more coercive and repressive to thwart the efforts of the opposition in participating in elections as well as independent media efforts to assertive and critical. The BSA was created in 2001 through the presidential powers and has seen the Zimbabwe Broadcasting Cooperation (ZBC) emerging as the sole broadcaster. For media organisations like the MMPZ which monitors the news content all the time, allegations are that ZBC is broadcasting biased news in favor of the ruling party which severely undermines democratic values. However since January 2008, there is reconstitution of the Broadcasting Authority of Zimbabwe (BAZ). The BAZ will now consist of twelve members appointed the president after consultation with the Minister and the Committee on Standing Rules and Orders. The amended BAZ proposes the ensurance of efficient use of broadcasting services bands as well as the encouragement of establishment of modern and effective broadcasting infrastructure taking into account the convergence of Information Technology, news media, telecommunication and consumer electronics. The Bill also proposes the transference of some of the Minister's powers to BAZ.

Faced with such kind of political turbulence, MISA-Zim set out to form relations with other like-minded organizations in and outside the country. Relations were formed with organisations like the Zimbabwe Union of Journalists (ZUJ), IJAZ, MMPZ, ZINEF FAMWZ, IFEX and Article 19 also concerned with FOE and media freedoms among others. Also of significance, was the formation of the Media Alliance of Zimbabwe (MAZ) in 2004. According to MISA Annual Report (2005:27) MISA-Zim initiated the formation of MAZ by requesting the MISA secretariat in Windhoek Namibia to assist in the development of a media sector plan for Zimbabwe. The MISA Programme Specialist in Windhoek worked closely with MISA-Zim and the MMPZ to finalise a strategic plan and funding for an alliance of media organisation in Zimbabwe and this resulted in the formation of MAZ in 2004. The MISA Programme specialist in Windhoek also assisted

with fundraising to ensure that a national coordinator was employed to manage the business of MAZ.

This alliance (MAZ) is a network of CSOs concerned only with issues of media freedom and FOE. The MAZ consists of four media organizations so far which are ZUJ, MISA-Zim, the Media Monitoring Project of Zimbabwe (MMPZ) and the Zimbabwe National Editors' Forum (ZINEF). The MAZ has been particularly influential in the media sector of Zimbabwe by providing a platform in which media and FOE organisations can speak with one voice in pressurizing the government for media law reforms. The MAZ organizes conferences and panels in which issues affecting the progress and practice of media and FOE in Zimbabwe are discussed and try to find solutions and the way forward. In these panels of discussion these CSOs also figure out best ways in which they can lobby the government to change its restrictive media and FOE policies. Participants which are invited normally comprises of editors of all media houses, media CSOs, regulatory authorities and the government officials for instance minister of information and publicity, chairperson of media commission and Parliamentary Portfolio Committee on Transport and Communication.

The formation of MAZ was of great importance in the media landscape in Zimbabwe. MAZ would become a mother body for media advocacy in the country. MAZ has planned boycotts of those media summits organized by government officials as one of its ways of lobbying for media freedom and FOE in the country. A meeting without the four members of the MAZ (MISA-Zim, ZUJ, MMPZ and ZINEF) would have the impact that media organisations in the country did not participate. According to the ipsnews.net website on the 8th of May 2009, MAZ boycotted the media conference that was organized by the government to give guidelines on opening up both the print media and the airwaves under the existing laws. The reason behind the boycott was that a certain journalist, Manyere, had been arrested and detained under POSA and eighteen other human rights activists who were in detention had been arrested and detained under POSA. MAZ therefore in its statement released on the ipsnews.net said that, "it was impossible for them to attend a conference when one of its own was under detention

using the same repressive laws that are meant to be discussed." Government officials including the minister of Media, Information and Publicity Webster Shamu and his deputy Jameson Timba as well as the chairperson of formerly MIC now reconstituted as ZMC, Tafataona Mahoso, among other delegates, attended this summit.

Apart from teaming up with locally based CSOs, MISA-Zim has also dwelled on lobbying regional organisation for support in the fight to promote media and FOE in Zimbabwe. According to the MISA-Zim website, in June 2009 MISA-Zim, IJAZ, ZLHR and MMPZ challenged the legality of sections 79 and 80 of AIPPA which deal with the compulsory accreditations of journalists, optional accreditation of part time of freelance journalists, prohibition of accreditation of non-citizens and abuse of journalistic privileges. They wrote, explained and submitted their position to the ACHPR which also lobbied a Zimbabwe government official, Permanent Secretary for Justice David Mangota who admitted that the media laws existing in the country are restrictive.

In addition, according to an interview with a member of the NGC, MISA-Zimbabwe's advocacy committees have worked on writing and publicizing articles relating to FOE to induce a sense of awareness to the public's right to FOE. Flyers were spread and articles detailing media laws were also published through the newly formed relations with various editors from independent media. Campaigns against laws that impinge on media freedom were also launched and have challenged laws like Official Secrets Act, Printed Publications Act and Powers and Privileges of Parliament Act among others.

Position papers were written on the current media laws for sustained national debates. For instance MISA-Zimbabwe has written its position on AIPPA firstly in partnership with Article 19 which is a global campaign for free expression based in London in an article *AIPPA two years on.* This report was published in September 2004 and posted on websites of both organisations that is on www.article19.org and also www.misazim.co.zw. The report analyses the trail of destruction that was left by AIPPA from its enactment in March 2002. The report brings to the fore the arrests, intimidation, harassment of journalists, photographers, vendors, media outlets and independent media.

A sequel to this was published in 2007 again by MISA-Zimbabwe and its called *AIPPA five years on.* As its name suggests, this is an analysis of the media trend that came after the enactment of AIPPA like its predecessor *AIPPA two years on*, it examines the media and FOE framework and how it has impacted on media freedom and FOE five years after the enactment of AIPPA. The two exemplary documents have been instrumental in bringing to the government attention, the position of MISA-Zim as a media organisation according to an interview with the Information and Research Officer.

MISA-Zim has also submitted written petitions and also made verbal petitions to lobby the government actors on improved media laws. According to the MISA-Zim website of 3 May 2009, MISA-Zim submitted a written petition on this year's World Press Freedom Day which is held on the 3rd of May every year. The petition was addressed to governmental actors including the speaker of the seventh (current) parliament of Zimbabwe, Lovemore Moyo, the president of the Senate Edna Madzongwe and was also copied to Gift Chimanikire who is the chairman of the Portfolio committee on Media Information and Technology, the ministry of Media, Information and Publicity, the ministry of Information and Communication Technologies and all members of parliament.

The petition's main theme was the urgency of democratic media law and policy reform in Zimbabwe and touched on issued like the inclusion of a constitutional guarantee of media freedom in the constitution of Zimbabwe, increased access to information, protection of journalists and broadcasting diversity and independent regulation among other issues. The petition was signed by media houses, practitioners and individual freelance journalists in an effort to lobby the governmental actors fro media freedom and FOE. In addition, an oral petition was submitted to the Parliamentary Thematic Committee on Human Rights by the director of MISA-Zim Takura Zhangazha. This petition submitted on the 12th of November 2009, focused on the role of the media in the promotion and protection of human rights. The petition identified the media as an integral component for the realization of human rights and as a result the media had to be freed for human rights to be realized.

MISA-Zim has also engaged government actors and drawn their attention to media law reform. According to the www.zimbabwejournalists.com website of the 24th of July 2009, in an article titled "MISA engages parliamentarians on media legislative reform", MISA-Zim organized a two day workshop to lobby parliamentarians. The workshop was held from the 18th to the 19th of July 2009 with the parliamentary portfolio committee on Media, Information and Communication Technologies and it focused on the need for media legislative reforms and the ongoing constitution making process. Apart from this committee which was represented by its chairman Gift Chimanikire, others who were also invited include Chris Mhike, a media lawyer, Matthew Takaona, the president of ZUJ and Hilton Zvidzayi from the Voluntary Media Council of Zimbabwe.

In addition meetings were held by MISA-Zim with the member of parliaments who were accessible for instance Leo Mugabe (A ZANU PF ruling party Member of Parliament and son of the president's late sister who was also a ZANU PF member of parliament) who even appreciated the model of AIPPA that was written by MISA-Zim as an advocacy tool for the repeal of the government's version of AIPPA (before its amendment). According to a Kubatana website article of the 5th of October 2006, MISA-Zim was commended by the Zimbabwe's Parliamentary Portfolio Committee on Transport and Communication on writing its own version of AIPPA which directly challenged the then existing AIPPA before AIPPA amendment Bill.

The model was presented at a workshop on media law reforms organized by the Media Alliance of Zimbabwe (MAZ) a network of MISA-Zim, MMPZ, ZINEF and ZUJ according to the MISA website alerts of October 2006 in an article titled *"Zimbabwe: MISA presents an alternative to repressive law".* The committee chairperson Leo Mugabe admitted that the Model would go a long way in informing parliament on the critical issues pertaining to access to information and aspects that should be contained in such legislation. Leo Mugabe also urged MISA-Zim to submit the Model to the Ministry of Information and the Ministry of Justice, Legal and Parliamentary Affairs which MISA-Zim implemented as a wise suggestion. MISA-Zim came up with this AIPPA Model as

part of its lobby activities towards improving the media operating environment in Zimbabwe through increased access to information among other contentious issues. Although MISA-Zimbabwe and other like-minded organisation manage to get to a point where government officials in many instances appreciate their views that media environment needs to be opened up like in the above said case, little is done afterwards with the effect of major policy change and as a result media organisations will schedule more and more meetings to pressure and lobby government officials. This has become a vicious cycle that goes on and on.

Other lobbying conferences include the one that was organised by MAZ to push for the repeal of AIPPA, POSA, and BSA among other repressive media legislations on 29 September 2006. This was a two day conference in which MAZ was to lobby the Media and Information Commission (MIC), the board that governs the accreditation of journalists who work in Zimbabwe. The Kubatana website of 29 September 2006 in the release "*MIC brands MISA agent of political change",* reported that the Chairman of MIC now reconstituted as ZMC, Tafataona Mahoso, in the conference argued that the opening of the conference was to create "a stilted platform from which activists may engage in an orgy of anti-Zimbabwean activities intended to coincide with other recently staged events".[14]

Major inroads into the amendment of POSA, AIPPA and BSA were achieved on the 11th of January 2008 when the extraordinary gazette was published and included the laws that were assented to by the President. According to an article published on the Kubatana website on the

Already there have been complains and criticisms about the lack of commitment on the part of the government to make these amendments work according to a MISA-Zim release of 12 January 2008 on Kubatana website in the article, *" AIPPA, POSA, BSA amendments signed into law".* It is the general feeling amongst most of the stakeholders

[14] With "recently staged events" the chairman was referring to a Zimbabwe Congress of Trade Unions (ZCTU) demonstration which resulted in police assaulting the leaders of this demonstration.

concerned that the proposed amendment bills contained in the extraordinary gazette reflects no serious intentions on the part of government to democratise the laws in question. Accusations labelled against the ruling regime are that they chose to dwell on inconsequential issues instead of addressing the real issues affecting media freedom and freedom of expression. This has been the typical behaviour of the ruling ZANU PF government. In most case they do not want to amend or repeal the so said repressive bills but even when they chose to, the amendments do no show any major policy shifts and as a result the CSOs and the concerned stakeholders have to keep on their lobbying and pressuring the government endlessly. This has been going on and on and has also become a vicious circle that is almost always predictable.

According to MISA's Annual report (2008:13), despite the extremely harsh and hostile working conditions, MISA never ceased to engage the public and CSOs by employing both unconventional and indigenous forms of public communication for instance community theatre. The assistance in the formalisation of the Voluntary Media Council of Zimbabwe (VMCZ) in June 2008 has been one of MISA-Zim's major milestones. The VMCZ has since been part of a collective effort by CSOs in Zimbabwe to come out with an alternative policy framework in which the state of FOE and media could be addressed (MISA Annual Report 2008:13). This was also produced to challenge the formation of the new media council the ZMC. MISA-Zim continues to lobby at the continental level through organisations like the African Commission on Human and People's Rights (ACHPR) to ensure the existence of independent media in the country.

5.2.2 Programme B. Media freedom and freedom of expression Monitoring

MISA-Zim adopted this programme as part of the broader regional initiative specifically to closely monitor Media and FOE violations given the frequent occurrence of such cases in Zimbabwe. The violations have a chilling effect not only on media practitioners, but also the society as a whole. Zimbabwe is one of the countries in which ordinary readers of newspapers can be targeted for reading certain newspapers. Authorities arrest, harass

and intimidate media practitioners, publishers, and vendors with impunity and these cases are publicized on MISA-Zim website in the *Monthly Alerts Digest*. MISA-Zim's main activity under this programme has been to document and publicize these violations as a way of militating against such future violations. Research has shown that the publication of violations especially by the state on media practitioners and other members of society may act as a protective wall as authorities become more cautious in future[15]. In other words, no government however undemocratic would want to be seen or perceived as tyrannical.

MISA-Zim on a monthly basis publishes the "*Media Alerts Digest"* chronicling the media and FOE violations that would have taken place for the whole month. This electronic digest found its way into the organisation's website in 1998 that is three years after its inception. To date this electronic digest is regarded as convenient method of targeting and alerting that population that has access to internet facilities like the students, other CSOs, public and private employees.

Annually MISA the regional grouping, publishes *So This Is Democracy? The State of Media Freedom in Southern Africa.* This publication is distributed locally, regionally and internationally. This publication highlights the state of media freedom, incidents of media freedom violations monitored by MISA in the previous year. The current edition therefore details media freedom and freedom of expression violations recorded in 2008. The reports from several consecutive previous reports have shown that since the turn of the century, Zimbabwe has topped the list in as far as media and FOE violations are concerned. Table 4.1 below shows a typical pattern of media violations recorded in one month, *in casu* January 2007.[16] It shows how MISA-Zim records publicise band and makes the citizenry aware of the violations taking place in the country.

[15] Defamation (Report 75), New South Wales Law Reform Commission (NSWLRC), Oct 1995
[16] The table was adapted from the website www.misa.co.zw Retrieved 27 March 2008. The diagram is an example of the violations recorded in March 2007. However, only parts of the table were adapted.

Table 2: Victims of arrests and their alleged offences during January 2007.

Victim/ Concerned Party	Issue	Date
Trevor Ncube, publisher of the *Zimbabwe Independent, Standard* and *Mail and Guardian.*	Filed for a High Court order compelling the Registrar General Tobaiwa Mudede to renew his passport following his application for Zimbabwean citizenship.	3 January 2007
Nunurai Jena, freelance journalist.	The Media and Information Commission summoned Jena to appear before the Commission over an expired accreditation card allegedly issued to him "in error" by the state-controlled media body.	12 January 2007
Selestin Jengeta, a teacher in Masvingo.	Jengeta spent 3 days in lice-infested police cells. He was arrested for remarking during a television news bulletin that the Zimbabwean crisis would only end upon the death of President Robert Gabriel Mugabe	16 January 2007
Gibson Murinye and Collen Mwachikopa	The two appeared before Masvingo Magistrate Timeon Makunde on charges of contravening the Criminal Law (Codification and Reform) Act after they were charged with singing a song derogatory of President Mugabe	16 January 2007

Zimbabwe Broadcasting Cooperation (ZBC)	The ZBC increased radio and TV licence fees by more than 100%	24 January 2007
Trevor Ncube, publisher of *Standard* and *Zimbabwe Independent.*	High Court judge Justice Chinembiri Bhunu ruled that the renew Ncube's passport was unlawful.	25 January 2007

It is also essential to note that most governments still perceive the media as a threat rather than an essential actor in the democratic discourse. In Zimbabwe for instance, the media are viewed as "tools of imperialism" by the government. This was also echoed in a MISA-Zim press release of 3 May 2007 titled *"Repression of Media Freedom and FOE Intensifies in Zimbabwe*" in *The Daily News in Exile*. MISA-Zim however continues to monitor media violations perpetuated by the government through media censorship laws in spite of such a depiction and suspicion from the government. MISA's Annual Report (2008:20) has noted that of the 181 media alerts published the bulk were from Zimbabwe. MISA still produced its Monthly Alerts Digest on the state of the media and FOE in Zimbabwe and makes concerted efforts to make sure that they reach the intended beneficiaries and that the public is well informed about what surrounds them. Through this programme MISA has managed to monitor and keep track of issues relating to press freedom in the country. MISA-Zim constantly writes about these issues on media censorship laws to create awareness in the society while also working on other option like writing petitions to the parliament for repeal of these. The writing of these alerts has also generated international support for victims of FOE in Zimbabwe. According to MISA's Annual Report (2008:18), journalists Gift Phiri and Tsvangirai Mukwazhi received support from international organisations through the information generated by these alerts.

MISA-Zim also publishes monthly alerts in partnership with the International Freedom of Expression eXchange (IFEX). On the 26th of October 2009 MISA-Zim and IFEX jointly published an alert on the IFEX website in which an Al Jazeera news crew was briefly detained in Zimbabwe. Reporter Henry Mutasa and camera operator Austin Gundani

were questioned by officials on why they were taking pictures outside the Munhumutapa building (The Munhumutapa building harbours offices for all government ministers, member of parliaments and even the president's office). The two were detained in a holding cell, interrogated for three hours and were later released at Harare police station without charges. This incident shows that MISA-Zim can work with other media and FOE concerned organisations to monitor media and FOE violations in the country.

At the regional level MISA has developed a monitoring project in April 2005 called The African Media Barometer. This was developed in partnership with the Friedrich Ebert Stiftung's Southern Africa Media Project. According to the MISA Annual Report (2008) this project represents a system of measuring national media environments on the continent. Self assessment exercises have been done by citizens in each country according to a number of home-grown criteria that encompasses the fact that: FOE including media freedom are effectively protected and promoted; the media landscape is characterised by diversity, independence and sustainability; broadcasting regulation is transparent and independent, the state broadcaster is transformed into a public broadcaster and finally that the media practice high levels of professional standards.

5.2.3 Program Area C: Broadcasting Diversity.

Faced with a politically tense atmosphere after the year 2000 which left the broadcasting sector being monopolized by the government parastatal ZBC, MISA-Zim started to find ways in which they would make an impact in the broadcasting sector with efforts to make broadcasting more independent. The atmosphere in the broadcasting sector became even tenser than it was in the period from 1995 to 2000 given the situation that there was a strong opposition gaining its way into the political arena. The government sought ways to gain direct control and influence over broadcasting personnel as well as the broadcast content.

In Zimbabwe, the state is the sole stakeholder in the broadcasting industry. Both in the radio and TV broadcast, there has not been any expansion since independence in 1980.

Only one radio station, Radio 4, has been added since independence and no private operators have been licensed to broadcast. Some private broadcasters, who had been lucky to get licences like the *JOY TV*, were stripped of their licences after allegedly failing to pay outstanding operation fees to the ZBC. The MISA-Zim SPP2 Report stipulates that this structure of having only one state broadcaster dominating the airwaves dates back to the colonial era. The colonial 1957 Broadcasting Act provided for the setting up of the current Zimbabwe Broadcasting Holdings (ZBH). However this changed on paper in 2000 after Capitol Radio successfully challenged the monopoly of the ZBH and the Supreme Court nullified the monopoly of ZBH. As a result the government in 2001 passed the Broadcasting Services Act (BSA) to fill in the legislative vacuum created by the Supreme Court ruling. The government thus came out with the rules governing the current broadcasting and operations of new players.[17]

Ironically, the BSA did not bring any positive change to the broadcasting sector in Zimbabwe as was its intention. Since the enactment of the BSA in 2001, which established the BAZ as an administrative body, the authorities have not issued any license to new players in the industry. Hence the ZBC continues to be the sole broadcaster in Zimbabwe. This is irrespective of the fact that Zimbabwe is a signatory of the African Charter on Broadcasting (ACB) which maintains that,

> The legal framework for broadcasting should include a clear statement of the principles underpinning Broadcast regulation, including promoting respect for FOE, diversity, and free flow of information and ideas, as well as a three-tier system for broadcasting: public service, commercial and community.[18]

[17] Capital Radio under the dictatorship of Jerry Jackson and Michael Auret jnr, challenged section 27 of the Broadcasting Act in the Supreme court arguing that it contravened section 20 of the Zimbabwean Constitution which guarantees the right to receive, impart and share information without hindrance. The Supreme Court in September 2000 ruled that indeed the monopoly of ZBC violated the constitutional right of FOE by unduly limiting the public to "…holds opinions and to receive and impart ideas and information without interference…" Thus both sections 14 of the Radio Communications Act and Section 27 of the Broadcasting Act were declared null and void.

[18] Quotation from the African Charter on Broadcasting adapted from www.kubatana.net Retrieved 24 September 2009.

Positive changes that have been witnessed in the broadcasting sector are that the government of Zimbabwe in July 2009 lifted a ban which prevented foreign broadcasters BBC and Cable News Network (CNN) from operating in Zimbabwe. According to the IFEX website of 30 July 2009, the BBC last operated in Zimbabwe in 2001 and the CNN ceased after its questionable reporting on Land Reform Programme. Although MISA-Zim welcome this move, its position has been that the government should in the same vein revisit issues of banned local publications to honour the Global Political Agreement. MISA-Zim urged the government to hastily process the licences of banned local publications and stations.

MISA-Zim has held road shows in the main cities of the country for instance Harare, Bulawayo, Mutare to mobilize communities on issues of community radio and the need to broadcast diversity. The organisation has conveyed the message to the community through simple means for instance drama and printing of t-shirts and distribute amongst people. T-shirts like these normally carry messages to do with media and FOE campaign for instance *"free my voice".*

Position papers on the current broadcasting situation were also presented to parliament and other involved stakeholders. MISA-Zim has written a position paper and submission on broadcasting in Zimbabwe. In this position paper titled "MISA-Zim: Submission and Position Paper on Broadcasting in Zimbabwe", MISA-Zim has explained the shortcomings of the legal framework governing broadcasting in Zimbabwe. MISA-Zim, in its submission, has condemned the shortcomings of the Zimbabwe Broadcasting Act, the Broadcasting Services Act which creates the BAZ as its governing board as well as the ZBC Commercialization Act. MISA-Zim has also given recommendations and its own position on what they think should represent a fair, balanced broadcasting sector. MISA-Zim has made it clear that the ZBH should be transformed from state broadcaster to a public broadcaster.

MISA-Zim in partnership with IFEX has published alerts on broadcasting. According to the IFEX website of 10 November 2009, three employees of the state-controlled ZBH

were suspended from their positions for ten days for leaking information on a government directive to stop covering government ministers who were from the MDC Tsvangirai faction. The directive was given by the ZBH CEO Happison Muchechetere on the 23rd of October 2009 to managers that all stories covering the ministers from Tsvangirai faction of MDC should not be aired. The alert reported that O'brien Rwafa, Jacob Phiri and Freedom Moyo who are news editor, chief producer and bulletins manager respectively, were suspended on full salary and ordered to surrender the ZBH property. According to the alert, the ZBH board even went to the extent of interfering with a mobile phone operator to inquire into the phone calls made by the suspended manager. This alert shows the ZBH's interference in the content of what is to be broadcast as well as having the power to suspend workers who show signs of independent thinking from what they would have been told by their bosses.

MISA has managed to establish a number of community radio stations with the aim of giving the community alternative channels to tune in to for instance Kwelaz, Wezhira and Kumakomo. MISA-Zim has also established blogs for these community radios. However MISA-Zim is still working on getting these community radio stations to be licensed by the BAZ. Community Radio discussions and forums are still an essential agenda on MISA-Zim's list. According to a Kubatana website in an article of 29 September 2009 titled *"MISA Zimbabwe holds community radio discussion",* MISA-Zim officials held a discussion with the US Embassy Public Affairs section. The discussion was on the essence of having community radio stations licensed and how this is important to the community. Emeritus Associate Professor at Greenlee School of Journalism and Communication at Iowa State University, Stephen Coon encouraged MISA-Zim to keep pushing for the licensing of community radio stations. He noted that the promotion of frequency modulation stations is essential in the society because it responds to certain interests in a free and democratic society.

Although the BSA has been amended, no meaningful changes have been implemented towards licensing other broadcasters apart from the ZBC. According to the Broadcasting Services Amendment Bill as stated earlier on, there is reconstitution of the Broadcasting

Authority of Zimbabwe (BAZ). The BAZ will now consist of twelve members appointed the president after consultation with the Minister and the Committee on Standing Rules and Orders. The amended BAZ proposes the ensurance of efficient use of broadcasting services bands as well as the encouragement of establishment of modern and effective broadcasting infrastructure taking into account the convergence of Information Technology, news media, telecommunication and consumer electronics. The Bill also proposes the transference of some of the Minister's powers to BAZ. Already there have been complains from media organisations and MISA-Zim has repeatedly called for repeal of such legislation for instance in their press release of 12 January 2008 on Kubatana website. MISA-Zim has also repeatedly called for the Unity government to honour its promises and implement the Global Political Agreement that it signed in which legal reforms like the BSA are supposed to be on priority of repeal.

5.2.4 Programme D: Media Support.

Compared to the period before 2000 in the media sector, many practitioners, editors and journalists were arrested due to the publishing of certain stories or the manner in which they reported on issues. MISA Annual report (2002) has reported that since the turn of the century, Zimbabwe has topped the list in as far as media violations are concerned in Southern Africa Accusations levelled against media workers are normally to do with their operating licences and stories they have published. These arrests were made possible by certain provisions of the pieces of legislations discussed above. To ensure that the media workers were in line with professional conduct, MISA-Zim, working with ZUJ, ZINEF and IJAZ came up with a draft Code of Conduct for media practitioners according to an interview with the Senior Programmes Officer. This code of conduct has supported journalists and media houses especially with basic journalistic and media training. The code of conduct is essential for the practice of professional journalism and accountability and it covers pressing ethical and moral issues for journalists and the media. It also covers basic notions such as truth, virtue, privacy, offence and freedom among other issues. In addition the code of conduct also informs media practitioners and journalists about impartiality and objectivity as well as the ethics of political journalism.

The Interview with the Senior Programmes Officer also revealed that MISA-Zim has lobbied parliament to support this code of conduct. The code of conduct has been publicised to labour, business and civil society and media practitioners and journalists. To follow up the implementation and effective use of the code of conduct, in June 2008 MISA-Zim in partnership with other media organisations came out with a Voluntary Independent Media Council that mediates on disputes and complaints that the media consumers might have on media outlets (MISA Annual Report 2008: 13)

Also important to this programme, is the issue of gender reporting. Journalists have also been trained on Gender reporting and follow up in an award administered by ZUJ. According to the MISA-Zim website, MISA-Zim on 17 October 2008 launched "Walking the Talk" report which is a gender report aimed at reporting on the media's portrayal of women. This report is also accompanied by audio compact disks interviews of female politicians that contested the March 2008 elections. The report emanates from the extensive media coverage monitoring of the country's weeklies and state-controlled dailies. The award was created with the aim of inculcating and fostering gender balance and sensitivity in the media's coverage of the country's socio-economic and political issues. Of the eleven competitors, Kholwani Nyathi from a privately owned *The Standard* was honoured with the MISA-Zim Gender and Media Awards for being outstanding in maintaining a gender balance and awareness in the elections coverage. According to the MISA-Zim website, MISA-Zim on 17 October 2008 launched "Walking the Talk" report which is a gender report aimed at reporting on the media's portrayal of women. This report is also accompanied by audio CD interviews of female politicians that contested the March 2008 elections. The report emanates from the extensive media coverage monitoring of the country's weeklies and state-controlled dailies.

Earlier on in 2005, MISA-Zim wrote and published *So Many Rivers to Cross* which is a report on the media portrayal of female political candidates in the Zimbabwe March 2005 parliamentary elections as a way of drawing attention to gender sensitivity. MISA-Zim monitored four media outlets that is the state owned *The Chronicles*, operating from

Zimbabwe's second largest city Bulawayo, *The Herald* which is the flagship of the state owned company Zimbabwe Newspapers Holdings (Zimpapers) and based in the capital Harare, the privately owned, *The Daily Mirror*, operating from Harare and the ZBC main news bulletin broadcast every day at 8pm. According to this report (2005:4), although there was increased participation of women in politics, their coverage remains inadequate and almost all issues are covered from a male perspective. The report shows that a total of 58 women candidates participated in the elections with 30 from ZANU pf, 18 from the MDC, 8 from ZANU Ndonga and 2 independent candidates.

Apart from gender reporting MISA-Zim's media support programme also puts considerable emphasis on HIV/AIDS reporting. MISA-Zim came out with a Research Analysis of the portrayal of HIV/AIDS in the media and uses it as an advantageous tool to reach and publicise the need for media openness to fight the pandemic.

As the MISA Annual Report (2008: 34) stipulates, 400 journalists were trained regionally in 2008. The media personnel trained include economics reporting, sub-editing, print and broadcast media, investigative journalism, HIV/AIDS reporting and the ethics of professional journalism. The sole aim for this is to increase the media's research and coverage skills to cope with the growth of environments they are also operating in as well as to ensure more independent media. In addition, as part of its ongoing commitment to training, MISA offers a scholarship exchange programme which is facilitated by the Regional Secretariat in Windhoek, Namibia and this gives individuals the opportunity to acquire in-depth knowledge on media issues. When the media becomes independent from government's funding, it is also expected that that kind of media can publish their news independently even those issues that the government is keener to hide. Thus the more the media distance themselves from government sponsorships, the more they also increase their independence from government influence on which issues to publish or not.

According to an interview with the Information and Research Officer, meetings and training workshops are held with journalists and media practitioners by MISA-Zim from time to time and are educative on how to report in a hostile political environment.

Position papers on the need for the development of ICTs as a basic need to society were written by MISA-Zim and presented to parliament and also suggestions to set up a resource centre for media practitioners and researchers in Harare. MISA-Zim has explained its position that the provision of ICTs is essential to the citizens as a measure of easy access to information.

5.2.5 Programme E: Legal Support

After the government launched a series of repressive legislations by the beginning of the 21st century to thwart the activities of the opposition and CSOs, MISA-Zim and other CSOs had to find ways of adapting and influencing the legal framework it confronted.

The MISA-Zimbabwe SPP2 Report stipulates that, as a response to the promulgation of AIPPA and POSA, MISA-Zimbabwe formed the Media Defence Fund in February 2002. The MDF which is run by a separate board chosen by MISA-Zim assists journalists in distress especially as a result of arrests and any litigation that has a bearing on media and FOE rights. The MDF has also played a key role in the cases of the closed *The Daily News, The Daily News on Sunday* and *The Tribune*. Two officers at MISA-Zimbabwe manage the fund and among many of its activities it is supporting lawyers with research work. According to MISA's Annual Report (2005:21), the fund has assisted in the ANZ case in which 50 journalists lost their jobs through closure of their paper. Through this legal assistance these journalists were able to organise meetings and discuss their legal options.

According to the MISA-Zim website, the MDF has also formed a network of Zimbabwean lawyers, the Media Lawyers Network (MLN). The MLN formed in June 2002, assists journalists and are available twenty four hours a day to assist media workers in distress. The MLN members also take part in MISA-Zim's advocacy committees' work. MISA-Zim updates the MLN of changes to media laws in Zimbabwe and new trends in media law. The MLN and MDF have produced a number of publications that analyse current media laws in Zimbabwe. MISA-Zim continues lobbying the parliament and other stakeholders through the MDF and MLN to foster strategic alliances with like-

minded organisations such as ZLHR. The MDF has been a busy project due to the high numbers of arrests of journalists and media practitioners.

Furthermore, MISA-Zim has followed up on arrests of journalists and engaged lawyers where necessary. Statements on arrests have also been published and lawyers have been assisted in preparation for court cases. MISA-Zim has also held training workshops on court and legal reporting on an annual basis and also presented position papers and analysis on the implications of media laws in Zimbabwe to member of parliaments and other stakeholders on a regular basis. Many journalists arrested under POSA and AIPPA have benefited through the use of this MDF. Relations with organisations like the Zimbabwe Lawyers for Human Rights have been formalised to ensure legal assistance to journalists. The formation of the Media Lawyers Network (MLN) meant that journalists would now afford to get a lawyer's attention twenty four hours a day. The MLN makes sure that there are media lawyers available all the time to assist and advice journalists on their court cases.

The following table gives some typical cases of journalists who were assisted by the Media Defence Fund (MDF) and the Media Lawyers Network (MLN) in the year 2002-2003.[19]

[19] Source: www.kubatana.net/archives Retrieved on 03-05-08

Table 3: Journalists arrested and charged and assisted by the MDF — during the months of March, April and May 2002

Name	Date of Arrest	Charges	Action	Article/Issue leading to charges
Peta Thornyoroff *Mail and Guardian* (South Africa), *Daily Telegraf* (United Kingdom)	March 27 2002	POSA	Released without charge on March 31	Investigation reports that supporters of the ruling party were attacking members of the political opposition.
Geoff Nyarota *Daily News*	April 15 2002	AIPPA	Charged and released "proceed by way of summons"	April 10 Daily News article about alleged vote rigging in March presidential election.
Bothwell Chakaodza *The Standard*	May 16 2002	AIPPA	Arrested, charged and held for three days	Two stories headlined "Deadly Riot gear arrives" about the purchase of Israeli equipment and "Police in sex for freedom deals" about police extorting sex from prostitutes.
William Nyamangara MD Sovereign Publishers	March 11 2003	AIPPA	Arrested for allegedly printing sub-service materials.	Released on the same day and police to proceed by way of summons.

A notable case cited by MISA'S Annual Report (2008: 20) among several others in which MISA-Zim intervened legally, is the case of a certain Hungwe who was barred

from reporting for the BBC. The court was taken to the Supreme Court by MISA-Zim. After negotiations Hungwe won the case and the Supreme Court threw the case away and allowed him to keep working. This shows how MISA-Zim has dealt with some of the censorship laws in order to ensure media freedom.

5.3 Media freedom: Impediments

5.3.1 Ownership problem

In Zimbabwe it is a characteristic feature that the government controls the print media and broadcast as well as the electronic media. This without doubt has undermined media freedom. As discussed in Chapter 3, the government through the Ministry of Information and Publicity, controls media affairs to the extent that those people who do not show allegiance to the state and do not report the state's thinking and perceptions in the way they report will be fired. Last year the CEO of the ZBC Henry Muradzikwa found himself a victim of this system when he was sacked. MISA's Annual Report (2008) maintains that, his crime was that he was defying ministerial orders to deny the opposition MDC party fair broadcasting coverage in the run up to the 2008 March elections. This ownership of the media has led to unbalanced reporting. Baker (2007: 12) has written extensively about why it is problematic for the media to be owned. Baker objects to the concentrated ownership of mass media and instead favours a democratic distribution of mass media. In his view a democratic distribution would mean diversity. In Zimbabwe this still exists only as an ideal.

5.3.2 Repressive Legislatures

In order to keep their hands on the power, the government made a series of amendments to the constitution and signed some acts that have been directly repressive in terms of media freedom. Of major importance is AIPPA which sets up a media commission that oversees the state of the media in Zimbabwe. Although it was amended in January 2008,

this act still stifles media freedom. In addition, after the amendment of AIPPA there has been no completion of the nomination of members to the ZMC although the media commission was set. The interception of the Communications Bill, which was signed into law in August 2007, further stifles people's right to media freedom. This law has been the final blow added to the repressive legislatures already prevalent in Zimbabwe. It militates against media freedom by allowing certain offices to intercept e-mails and phone conversations. The law can even stop certain messages to get to where they were intended if deemed necessary. The Amnesty International report (2007: 18) has echoed this same argument when this organisation reported that the authorities in Zimbabwe make use of public order laws to restrict dissent. In this kind of environment, where the media is tamed, it becomes difficult to report on certain issues for fear of having their licences invoked and their own personal security threatened.

5.3.3 State-Civil Society Relations

The relationship between these two may be cooperative, but is often antagonistic and hostile. The government in Zimbabwe is increasingly limiting alternative voices in order to protect its quest of staying in power. CSOs which mainly deal with democratic governance issues like MISA-Zim among others are often viewed with suspicions and scepticism. As the President often says, these organisations are stooges of the West and they are being used to further the interests of Western countries that in his view are keen to topple his regime. Because most CSOs in Zimbabwe are funded by countries from the west, they are often viewed as furthering the agendas of western democracies who are their funders. Thus the government often resorts to its use of repressive legislatures to weaken the operation of CSOs. The government also uses stringent licensing and accreditation systems to restrict the work of journalists and consequently impinge on media freedom, for instance the NGO Bill which outlines the kind of issues that NGOs have to focus on if they are to be licensed. If NGOs are to be licensed according to this Bill, they have to put their focus on socio-economic problems in the country and have to leave the political problems of the country alone. Therefore human rights organisations often find it difficult to get licences.

My line of argument in this thesis has been that in a country where the CS is a vibrant watchdog of the government's excesses, democracy is much more likely to be achieved and the reverse is equally true in a country with a docile civil society. Although Zimbabwe has a weak CS from independence around the 1980s, the 1990s ushered in a new era in CS with the ZCTU diverging away from the government and becoming an independent CS. The late 1990s witnessed the formation of a vast of CSOs of such kind of independent nature and the are becoming more and more critical of the government and hence they are becoming stronger and stronger up to date. These organisations started to question the hegemonic tendencies of the ruling party and its use of repressive legislature and state apparatus to cow down the public. It has to be noted that there have not been any significant political changes in Zimbabwe since the emergence of this significantly stronger CS. The common perception, however, is that the CSOs have made major inroads into exposing the government weaknesses, and a major finding of the exploration of the MISA-Zim's activity is that this is representative for this development.

5.3.4 Economic Meltdown

The economic meltdown in Zimbabwe was a result of the mass exodus of the mainly British white farmers from the country after the government's Land Reform in 2000. Critics of this reform have argued against the manner in which this reform was undertaken. They maintain that it was haphazard and did not put into cognisance the drastic effects which the reform would lead to. The Land Reform as some argue was used as a popularist policy by the government to win the support of the people ahead of the 2002 presidential election. Since the hasty implementation of the Land Reform Programme, Zimbabwe which was once bread basket of Africa, has even failed to sustain its own population. Zimbabwe has suffered severe food shortages, health hazards, and decline of basic facilities like education and has witnessed for more than a decade a spiralling inflation that no other country has ever gone through. Because of this economic meltdown coupled with the politics of fear and intimidation, Zimbabweans have resorted to minding their basic problems that is hunger and have left issues of human rights and

democracy as a preserve of CS. The public are too overwhelmed with their shortages of basic goods to think about democracy and human rights as well as what is happening at the parliament (Hatchard 1993:35). Without the support of the general public, the CS can not thrive on its own. The public is an essential element of the CS. The public forms the masses that rally across the streets in demonstrations apart from other issues. Therefore because of their limited participation; media freedom ultimately democracy in general, have been blatantly constrained. MISA-Zim is one of the most active organisations in the effort to re-engaging the public to be concerned about their rights.

5.4 Conclusive Remarks

Therefore from the discussions captures in this chapter, it is clear that the government became more repressive after 2000 than it was before hence MISA-Zim with the cooperation of other media organisation also had to step up their operations to cope with the legal framework that surrounded them. This chapter represents the dependent variables of this study. It is quite evident that after 2000 MISA-Zim had many activities going on than the period from 1995-2000. The chapter has ended up by explaining the impediments that hinder the advancement of media freedom and FOE.

CHAPTER 6

SUMMARY AND DISCUSSION

6.1 Introduction

The scope of this chapter is to firstly recap and summarise the previous chapters. Secondly, this chapter will summarise the research findings and these will be related to the guiding questions. The implication of these findings will also be simultaneously discussed. Finally a general conclusion will be drawn.

My thesis set out to analyse the role that CSOs play in the democratisation process of Zimbabwe in particular reference to role that MISA-Zim plays in promoting media freedom in Zimbabwe. The role that MISA-Zim plays in promoting media freedom in Zimbabwe was described through its five key programme areas which guide its work which are FOE and the right to information campaign, media and FOE monitoring, broadcasting diversity, media support and legal support.

Chapter two was a theoretical discussion of concepts and also methodology that was employed to carry out this study. This chapter started with a discussion on literature closely linked to the key concepts. Definition of key concepts that is democracy, civil society and media were also given. Assumptions regarding the character of organisations and organisational behaviour were reflected upon to try to put MISA-Zim in a workable context. This was followed by a discussion on the media and liberal theory advanced by Curran (2000) which maintains that the media's role is inn acting as a check on the state (watchdog role of the media). Therefore both the traditional liberal theory of media and the democratic media system were used to advance my discussion on MISA-Zim's role in promoting in Zimbabwe. A framework of analysis was also developed in this chapter to show the relationship between the variables identified in the study.

To explore the phenomenon under study, the study used a qualitative method of data collection. The study benefited from the use of a combination of both primary and secondary data sources which brought the advantage of flexibility in data collection. A

number of limitations were faced in the course of data collection for instance the study was perceived to be a politically motivated study and this resulted in another limitation that is failure to access some governmental actors who were key interviewees to this study. As a result of this suspicion these key actors remained inaccessible throughout the period of data collection. These issues are highlighted in the discussion in the second chapter.

The third chapter gave a historical overview of the media landscape in Zimbabwe. This chapter traced the development of media from the post-colonial era up to date. The chapter highlighted the major shifts and turns that were taken soon after independence in the media landscape. The formation of major boards that were to govern the media, the broadcasting system, the appointment systems in these parastatals that gave the government influence were described and some of the media practices were adopted wholesale to further the interest of the ruling party. This chapter also described how the content of broadcast was quickly changed after independence and became more aligned to the ruling ZANU-PF party. The chapter ends up by describing the birth of MISA which came as a result of the Windhoek Declaration of 1991. The formation of MISA, the regional grouping, led to its adoption by most Southern African nations. The wave of change that swept through the country just before the formation of MISA-Zim in 1995, also aided in its adoption.

The fourth chapter was an attempt to understand the internal organisation of MISA-Zim which is key to understanding its activities in promoting media freedom. The chapter started by describe the internal organisation of MISA-Zim that is its secretariat and its division of labour, vision, membership and history and formation of MISA-Zim.

The fifth chapter described the role of MISA-Zim which was mainly depicted through its key programme areas which are explicitly linked to the dependent variables of this study. Two different periods were assessed and the findings were that during the period from formation of MISA-Zim up to 2000, the government was less repressive as compared to the period from 2000 to date. This shift was caused by some political changes that

occurred on the scene mainly the emergence of the vibrant opposition party MDC. The ruling party therefore in an attempt to safeguard its existence as governing party, became more and more repressive to the media in an effort to silence any dissent. As the political terrain changed, so did the nature of the relations that existed between the MISA-Zim officials and the governmental actors. Their relations shifted from being more cooperative as evidenced in the period from 1995-2000, to being more hostile in the period from 2002 to date.

6.2 Discussion and Interpretation of major findings

What activities is MISA-Zim involved in, in trying to influence the promotion of media freedom in Zimbabwe? How does MISA-Zim go about carrying out these activities? What impediments, if any, does MISA-Zim face in trying to promote media freedom in Zimbabwe? This research found out that MISA-Zim is deeply embedded in five key programme areas that shape its work. First is the campaign for freedom of expression and the right to information which MISA-Zim tries to contribute to a situation where FOE and the right to information are accepted as basic human rights and reflected in the constitution. Under this programme, MISA-Zim has campaigned for more access to information not only for media workers but even the society at large. MISA-Zim has been raising awareness through press releases, writing articles, road show performances, drama, distribution of flyers and t-shirts with awareness messages.

Secondly is media freedom and FOE which closely monitors media and FOE violations. Under this programme, MISA-Zim has been involved in documenting and publicizing these violations as a way of militating against such future violations. Since the turn of the century MISA-Zim has recorded most violations than any other Southern African country.

On the Campaign for broadcasting diversity programme, MISA-Zim has worked towards instilling a framework for a conducive broadcasting environment in which the three tier structure of broadcasting is democratically regulated. The campaign focuses on how the

public broadcaster can be run more independently and transparently, how regulatory authorities can be made more autonomous to enable them to regulate community, commercial and the public broadcaster using internationally accepted and democratic standards. MISA-Zim established Community radio stations in the main cities of the country and blogs for these station in which people can communicate with each other.

MISA-Zim also gives support to the media under the media support programme. MISA-Zim has trained media workers mainly in areas of media accountability, professionalism through training and research adoption of best practices in media houses. MISA-Zim has also been training media workers on the use of ICTs as a faster and convenient way of modern communication and has made efforts to get the government involved to support this programme. Gender reporting has also been part of the media support.

Finally, MISA-Zim has also been deeply embedded in legal support under which it has been involved in fighting repressive media laws through strategic interventions and offering support to victims of violations and lawyers and influence public opinion through exposure of court cases against victims of media violations. MISA-Zim established the Media Defense Fund in 2002 which assists media workers under conviction. The MDF has provided legal advice and assisted in court cases of journalists. The MLN was also formed in 2002 under the MDF. The MLN is a network of lawyers who are ready 24 hours of the day to assist arrested journalists with legal advice in their court cases.

How does MISA-Zim carry out these five key programmes areas to promote FOE?

MISA-Zim has devised various ways of implementing its key programmes areas. MISA-Zim implements its key programme areas through launching various campaigns. MISA-Zim also relies on the use of petitions either written or verbal, position papers, press releases and written and verbal statements. MISA-Zim also uses boycott as a way of trying to put pressure on governmental actors for media law reform. Of most significance, is the way in which MISA-Zim has managed to network with its external environment in promoting media freedom? MISA-Zim has formalised relation with other

media organisations and has initiated the formation of the Media Alliance of Zimbabwe which is very influential alliance when it comes to pressuring the government. The nature of relations with other CSOs and media has mainly been cooperative and complementary since its formation. MISA-Zim has also been working with government officials in its fight for FOE. The findings are that the nature of their relations was better in the period from MISA-Zim's formation to 2002 than the period from 2000 to date. From 2000 then relations have been stifled and have become more and more hostile. Through the organisation of meetings, workshops, conferences and summits MISA-Zim is able to meet other stakeholders and discuss issues affecting the promotion of media freedom in Zimbabwe.

What impediments hider the advancement of media freedom in Zimbabwe?

The findings are that the major stumbling blocks in the promotion of media freedom are mainly perpetrated through *government censorship*. An array of legislations that were passed by the government calculatively to silence dissent in Zimbabwe has largely militated against advancement of media freedom. Some of these legislations were copied from the colonial regime and were maintained at independence in 1980 with the aim of monopolising power. The Criminal Defamation law, Official Secrets Act, lack of constitutional guarantee of media freedom, AIPPA, POSA and ICB among other laws have all formed an axis of repression and censorship that makes it almost impossible to practice FOE.

Besides this censorship by the government, *a culture of fear and intimidation* has often made it impossible for media worker to mount any demonstrations in demand of their right to media freedom. In addition, the *economic hardships* which the Zimbabwean people have been going through in this decade, has made people to relegate issues of demanding for rights and concentrate on their basic needs. Another impediment also cites in this study is the *ownership problem* where the ruling government kind of owns the media and there is no proper distinction of where the state authority is ending and this leads to influence of the personnel who work for the important media bodies and also influence on the media content or output. The *hostile relations that exist between*

government and CSOs in developing nations have adversely affected the promotion of media freedom. In Zimbabwe for instance, instead of the CSOs concentrating on raising media-related awareness to the public, they often divert their attention to responding to government allegations that they are promoting the interests of the opposition parties or Western powers.

6.3 MISA-Zim: A success story?

Although MISA-Zim has been operating in a restrictive environment, they have made an impact on the media. One certainly can not discuss media in Zimbabwe without mentioning the contributions of MISA-Zim. MISA-Zim has certainly positioned itself as a formidable force to recon with in as far as championing media freedom is concerned. From the discussion in chapter four, the lobbying politics between MISA-Zim and governmental actors is carried out in such a way that it is an ongoing process and it is repeated over and over again therefore becoming a vicious cycle. When MISA-Zim goes to lobby governmental actors for certain media issues for instance media law reform, the officials will openly admit there is need to reform but when it comes to implementation, in most cases nothing materialises and on and on it goes like that. However MISA-Zim continues with its lobbying activities and this makes an impact by maintaining pressure on the government to reform. Without MISA-Zim on the scene, media in Zimbabwe would surely have been in a worse condition than it is in presently.

Notable achievements attained by MISA-Zim include the establishment of community radio stations although they still wait licensing. The formation of networks for instance MAZ which has emerged to be the mother body of the media advocacy organisations, has certainly taken media to a different level in Zimbabwe. In addition the establishment of the MDF and MLN in 2002 has brought an impact in Zimbabwe. Journalists, media workers under distress have benefited from the two.

Government officials on the other hand seem to be aware of the impact and influence that MISA-Zim has hence they also put concerted efforts to frustrate MISA-Zim. For instance MISA-Zim has been an object of constant police scrutiny. As reported in *The Herald* of

16 September 2003, police were investigating MISA-Zim and accusing it of operating without a valid licence registered under section 66 of AIPPA. In addition, the then MIC (now ZMC) chairman also levelled allegations that MISA-Zim was competing with his commission to regulate the media in Zimbabwe which shows that the governmental actors really feel the pressure and competition exerted by MISA-Zim and because they have failed to match, they would rather have MISA-Zim off the field. On this occasion MISA-Zim argued that it was not a mass media service organisation but an advocacy and media watchdog hence did not need to have that particular licence. This incident shows that MISA-Zim has certainly had an effect on the media discourse in Zimbabwe to the extent that the government would feel comfortable if MISA-Zim is not carrying out its operations of acting as its watchdog hence seeking ways of trying to take its operating licence.

Another way of showing that MISA-Zim is an indispensable actor on the media scene in Zimbabwe is the fact that MISA-Zim has become a victim of verbal attacks by governmental actors. Several accusations and insults have been cursed at MISA-Zim by government officials to discourage it from doing its work. For Instance on the 20th of August 2003, the then Minister of Information and Publicity in the office of the President, Jonathan Moyo, attacked MISA-Zim for what he called "promotion of misunderstandings" between the Zimbabwean government and private media as reported on the Kubatana website.

In a different case, as stated in an article titled *"MIC Brands MISA Agent of Change*" on Kubatana website of the 29th of September 2006, MISA-Zim was also attacked by the chairman of MIC for creating what he called "… a stilted platform from which activists may engage in an orgy of anti-Zimbabwean activities…" These allegations were said in a MAZ-organized conference of 29 September 2006 and by anti-Zimbabwean activities the chairman was referring to demonstrations since this conference followed a demonstration by ZCTU in which its leaders were assaulted by police. This incident shows how the government actors fear the impact that a demonstration by MISA-Zim brings hence would want to discourage MISA-Zim from carrying out such activities.

The Kubatana website reported on the 11th of October 2005 in an article titled *"ZANU PF Councilor bars MISA meeting"* that a MISA-Zim meeting was barred. According to this report, Thembinkosi Sibanda, a ZANU PF councilor in Dete (Matebeleland North Province), barred a meeting organized by MISA-Zimbabwe under its Community Radio Initiative (CRIs) with allegations that the organizers did not have police clearance. Although the MISA-Zimbabwe advocacy committee had been given clearance, it had not been given a letter of confirmation to accompany the clearance, a reason that fell far short of justifying barring the meeting. The Councilor had to travel with the chairman of the advocacy committee to the nearest police station to solve the issue while the 1000 to-be attendants waited at the venue of the meeting. This clearly shows MISA-Zim has become so influential in media to the level that governmental actors do not want the continuation of its activities and therefore will try to stop them in any way possible.

6.4: Implications for future Research

After researching MISA-Zim for a longer time the researcher felt that there are still issues that need to be explored more. For instance on the internal organisation- whether the secretariat sometimes disagree on the programmes formulated, or the way to influence the governmental actors? More could have been obtained if the researcher had managed to get closer into these organizational politics perhaps as an observer or as participant observer in the organisation. Organizations that work under so particular circumstances need to be explored and investigated for a longer time than the researcher was allowed to do in the confines of this master thesis. However it is uncertain where to start for a more thorough research on MISA-Zim and civil society of Zimbabwe.

6.5 General Conclusion

My study sought to investigate the role that a CSO, MISA-Zimbabwe plays in promoting media freedom in Zimbabwe. The study investigated the key programme areas of MISA-Zimbabwe and the specific activities that are carried out under theses broad programmes.

A single case study, MISA-Zim was used alongside a qualitative approach to gather that data needed in answering the research questions.

The study established that MISA-Zim has mapped out five key programme areas which guide its day to day operations in promoting FOE in Zimbabwe. These five were identified as: FOE and the right to information campaign, media and FOE monitoring which mainly deals with recording and monitoring media and FOE violations on a day to day basis, Broadcasting diversity whose main thrust is to formulate smaller projects that ensures that broadcasting encompasses the private, public and community as important stakeholders, media support whose main thrust is to train media workers on good ethical conduct and professionalism, use of ICTs, HIV/AIDS reporting and also gender reporting and finally legal support which is a litigation campaign that offers legal advice and court representation to victims of media and FOE violations.

In carrying out these broad programme areas, MISA-Zim from time to time formulates specific smaller projects to assist in the implementation of its broad programmes. MISA-Zim programmes are carried out through various means. These encompasses campaigns, writing protests letters and articles, press releases, written and verbal statements, written and verbal petitions, writing position papers and also the use of boycotts. Several impediments were highlighted as hindering the advancement of media freedom in Zimbabwe and these are mainly government censorship laws, economic hardships. Ownership of media by the ruling government and also the hostile state-civil society relations that exists between the government and human rights CSOs in Zimbabwe.

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APPENDIX 1- Interview Guide

Interview Questions for MISA Zimbabwe Officials

1. Outline MISA-Zimbabwe's organizational structure
2. In your opinion how effective is this structure in achieving MISA's organisational objectives?
3. How MISA-Zimbabwe does mobilise its resources?
4. What role does MISA play in Zimbabwe's media industry?
5. What specific programmes do you have that promote freedom of the media?
6. What legislation governs the operation of media in Zimbabwe?
7. How does these legislature impact on your organizational operations?
8. What challenges do you face as an organisation in trying to promote freedom of the media?
9. Explain your response in question 8.
10. How can you best describe the nature of relationship between your organization and the media houses in Zimbabwe?
11. How does your organisation relate to the Zimbabwean society?
12. Can you give a brief historical background on the role that media has played promoting freedom of the media in Zimbabwe.
13. What other key stakeholders are also involved in promoting freedom of the media in Zimbabwe?
14. Does MISA also have specific programmes that target the general citizens of Zimbabwe in relation to freedom of the media in Zimbabwe?

Interview Questions for Ministry of Information Officials

1. Give a brief background of your ministry and its operations.
2. What statutory instruments and by-laws have you put in place as a ministry to govern freedom of the media in the country?
3. Do you think these instruments offer a conducive climate for the achievement of freedom of the media?

4. How effective have these legislature been in advancing freedom of media?
5. What other key stakeholders are also involved in the advancement of free media other than your ministry?
6. How best would you describe the state-society relations that exist between your ministry and the various civic society organisations in the country?
7. What was the major reason for civic society involvement in freedom of the media matters in Zimbabwe?
8. How do you relate particularly to MISA-Zimbabwe?
9. Does this organisation play any role in promoting freedom of the media in the country?
10. How would you describe this role?
11. Has this role made any significant contributions to the attainment of freedom of the media?
12. What particular impact, if any, has MISA made since its inception?
13. If you were to rate the essence of MISA-Zimbabwe in freedom of the media, what percentage score would you give this organisation out of 100?

Questions for Media Houses and other Media organisations

1. Give a brief background to your organisation's operations.
2. What specific roles do media institutions play in the promotion of freedom of the media in the country?
3. How best would you describe your relations with MISA-Zimbabwe?
4. When did MISA-Zimbabwe start to participate in media related issues?
5. How could you describe the nature of your relationship with MISA?
6. In your opinion what was the major reason for civic society organisations' involvement in freedom of the media?
7. Did media freedom improve in any significant way when civic society organisations became involved in media issues?
8. What specific projects has MISA been involved in to complement your functions in media diversity and pluralism?

9. What statutory instruments and by-laws govern freedom of the media in Zimbabwe?
10. Do you think these instruments offer a conducive climate for media operations?
11. What are the possible benefits of civic society organisations participation in media freedom?