Censorship as a Regressive Developmental Instrument for Radio and Television Broadcasting Service in Zimbabwe

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Abstract

The current Zimbabwean media laws have failed to emancipate the broadcasting service by recycling old systems from its colonial era. For instance, the constitutional law of Access to Information and Protection of Privacy Act (AIPPA) endorsed in 2001 is connected to the Law of Official Secrets Act of 1970. Most of the media laws still restrict how media practitioners access information and unveil rampant corruption and atrocities encountered by ordinary people. The operations of all existing broadcasting media companies are controlled by Broadcasting Services Act (BSA) and a board called Broadcasting Authority of Zimbabwe (BAZ), which also has the right to issues licenses to those who are interested in owning a broadcasting services. Currently, only two privately owned radio stations exist in Zimbabwe and they are owned by politicians. Zimbabwe Broadcasting Co-operation (ZBC) is still the sole national television broadcasting service provider. The research made use of a descriptive case study method and concludes that media legislative laws and BAZ have been constraining the growth of broadcasting service in Zimbabwe. The paper will focus on the radio and television broadcasting service of Zimbabwe, how the media legislative laws have been a regressive instrument to broadcasting service development of Zimbabwe.

Keywords
Censorship, Legislative laws, Television, Development, Zimbabwe

1. Introduction

In Zimbabwe, laws like the Censorship and Entertainments Act have led to the banning of films like Flame. There is also Public Order and Security Act which have been constraining directors, script writers, actors and all involved in filmmaking to exercise their constitutional rights of freedom of expression in film production and development of the broadcasting service.

1.1 Background

The Zimbabwean media environment has been pro state from early 1950s with liberal laws under the white government such as Official Secrets Act (OSA), which subdue any circulation of information that challenge the operations of the government and its ideologies. Such laws were passed to promote educational programs on broadcasting services and maintain the homogeny of whites during the colonial era, but till date Zimbabwe inherited most of the laws from pre-independence. The country has also introduced censorship board to ensure that all the media legislative laws have been observed. However, this has led to underdevelopment of the film industry as it is characterized with many restrictions.
This paper presents the current state of Zimbabwe broadcasting service, and how the legislative laws and governmental broadcasting bodies have been regressive to the development of broadcasting service in Zimbabwe. Reference of liberal countries, such as South Africa, will be discussed to confirm the extent that the laws and the government bodies have restrained the growth of Zimbabwe broadcasting service.

2. Literature Review

Ever since Zimbabwe got its independence, the laws have been spurting in various ways and it is only in the early 1990s that the effects of recycled laws re-surfaced to the publics. Until now, Zimbabwe is governed by laws like Censorship and Entertainments Control Act, which emerged from the colonial Cinematograph Ordinance Act of 1912; Access to Information and Protection of Privacy Act (AIPPA) of 2001 is connected to the Law of Official Secrets Act of 1970; and Public Order and Security Act (POSA) of 2002 was borne out of the colonial Law and Order Maintenance Act (LOMA) of 1960 as stated in the state of media Report of 2010 (MISA-Zimbabwe, 2011). It was amended and reinstated in 1996 as an act to monitor the production process of film, the importation and to censor any objectionable film material, pictures, recordings which might be obscene or harmful to public morals or public order under the interest of the public (Chirume 2005). Such laws led to banning of films like Flame (1992) under the Censorship and Entertainments Control Act in 1996. The film was criticized for displaying all forms of abuse to women in war and accused for distorting the history and the essence of the liberation struggle. Hence, the film was banned for misconceptions on the events of the liberation struggle by the ministry of information and communication (Rwafa, 2012).

MISA-Zimbabwe (2010) also noted that under POSA anyone can be judged 20 years of imprisonment for publication or broadcasting of ‘false information’ or information without concrete proof. Such media legislation has resulted in an environment instilled with fear, where artist cannot create content freely or express themselves. This clearly showed that Zimbabwe had not moved from its colonial laws but resuscitated and strengthen the repressive laws. Moyo (2010) defined Zimbabwe as a “change without change”, as laws like Censorship and Entertainments Control Act (CEA) and Public Order and Security Act (POSA) inhibit some of the human rights of Zimbabwe. Even though the Zimbabwean Constitution section 61(b) warranties the right to freedom of artistic expression and creativity, but the media legislation contradicts and deter the right to freedom of expression and creativity in filmmaking. According to Rwafa (2012), these laws have crippled the art of professionalism. Chirume (2005) also affirmed that censorship restricts the creative mind and attempts to limit and control the content of artist.

The benchmarks of African Charter on Human and Peoples Rights (ACHPR), Windhoek Declaration, Banjul Declaration and the African Charter on Broadcasting (ACB) clearly demands freedom of expression and flow of information (MISA-Zimbabwe, 2012). This means that people should have free access to information, and they can circulate the information and own media firms. However, this is not the case in Zimbabwe where there are media regulations like Broadcasting Services Act [Chapter 12:06] (BSA) crafted and enacted in 2001, which resulted in the formation of Broadcasting Authority of Zimbabwe (BAZ) with the responsibility to ensure that the law has been exercised. BAZ has been assigned with the role of regulating the electromagnetic transmission of audio and video signals and the establishment of a broadcasting media fraternity in the country (Section 3 of Zimbabwe constitution). According to Bello (1996), media freedom involves licensing of broadcasters, independent broadcasting as well administration of broadcasting service. However, the broadcasting service in Zimbabwe has been politically controlled and violating human rights despite the claims that it is a country of democracy. The government has the control of each management of the broadcasting media center through BAZ which operates under the Minister of Information. The Minister of Information has the power to appoint or dismiss the board members of BAZ under the President authority (Section 4(2), 4(3) and 4(4) of the BSA), and the board should be made up five to nine members. This clearly shows that the BAZ Board is under the benevolence of the Minister of Information as it is not appointed by the public, which isn’t the same case with other democratic countries like Nigeria. According to MISA-Zimbabwe (2007), the Minister has the following unrestricted powers which circumvent the development of broadcasting service in Zimbabwe.

i. Decide whom and when to issue broadcasting licenses (section 5);
ii. Set the terms and conditions of the process of establishing a broadcasting service (section 11);
iii. Amend, suspend and cancel a broadcasting service issued license (sections 15 and16);
iv. Singularly develop and cause the implementation of regulations applicable to the broadcasting industry (sections 25(1) and 46);
v. Interfere with and/or change the content of programmes broadcast by an licensee (sections 11(5), 39(3) and 25(2));

and,

vi. Decide when to declare an “emergency” and take over broadcasting stations, and broadcast using the station and equipment (section 39(2))

According to Rwafa (2012) and Mazano (2016), media legislative laws like Broadcasting Services Act (BSA) not only impede the constitutional right to freedom of expression or access information, but also preclude the involvement of private investors in Zimbabwe. The Broadcasting Corporation Act [Chapter 12.01] states that only the Zimbabwe Broadcasting Corporation will carry on broadcasting service in Zimbabwe, and further mentions that broadcasting licences are to be issued to Zimbabwean citizens. Hence, the main cause of under-development of broadcasting services in Zimbabwe heavily centres on Zimbabwean media laws which has confined the broadcasting services. The medial laws have adversely affected the operational systems, such that the Zimbabwean broadcasting service is not being able to benefit from foreign currency injection, exchange of skills and the new advanced technological services. Whereas, other countries such as South Africa, Nigeria have been open to foreign investments which has greatly contributed to formal employment and increase of radio and television stations.

Some of the major challenges of Broadcasting Service Act (BSA) that have been inhibiting the development of broadcasting service in Zimbabwe are listed below (MISA-Zimbabwe, 2017):

i. The Broadcasting Authority of Zimbabwe (BAZ) is firmly under government control (Minister of Information). Therefore, it is not an independent entity and does not compromise of publicly elected personnel.

ii. The licensing system is directed by the Minister who has the power to amend, cancel or suspend a broadcaster if there is an encroachment on vaguely worded sections of the Act.

iii. Signal carrier are not granted broadcasting licensee, hence all the material will be broadcasted on a government to broadcasting service.

iv. The Act imposes a mere 10% foreign ownership and employment.

v. Higher application fee of $10000 (includes the initial of $2500 application fee) compared to application fees of less than $300 in South Africa (3233% cheaper).

vi. The Minister has unfettered powers to determine the programme content of private broadcasters.

3. Methodology

This study used secondary sources, such as journals, online reports and publications on media censorship and Zimbabwe legislative laws to understand the challenges being faced by Zimbabwean filmmakers. The information obtained from secondary data sources were analysed, findings were compared with other countries with more flexible media laws such as South Africa and Nigeria, and finally recommendations were made based on the findings.

4. Discussion and Findings

The epoch of early 2000 has witnessed persecution of many media practitioners, and lately Mudzvova for planning to stage a play titled: Bring Back the $15 billion after the previous President Mugabe had made an announcement that the $15 billion in diamond revenue had gone missing from mining activities at Manicaland Province in Zimbabwe during 2016. He was charged for ‘inciting’ the public. However due to continuous advancement in technology, some of the laws have proven to be irrelevant (Mazano, 2016). For instance in 2015, the Censorship Board denied SterKinekor to air “50 Shades of Grey” despite its accreditation to screen the global film, yet the pirated copies of the film were being sold in the street whilst the movie ‘Lobola’ showing mutilation of the African marriage customs by a cosmopolitan groom who had migrated to the west was banned (Mazano, 2016). The board criticized the film for not reflecting the real culture of Zimbabwe. Most artist in the media have been discourages because they cannot show creativity or diversify from the norm under the pretext of national identity which the board will use to censor the film. Censorship regulations in Zimbabwe has negatively affected the content broadcasted to audiences (Rwafa, 2012).

The Zimbabwe broadcasting services has been operating under the monopoly of Zimbabwe Broadcasting Corporation (ZBC) which has been guaranteed its domination to broadcast television and radio services under Section 27 and 14, respectively. However in 2000, Michael Auret (Jnr) and Gerry Jackson challenged Section 27 of the Broadcasting Act in the Supreme Court, under Section 20 of the Zimbabwean Constitution which guarantees the right to transmit information...
without restrictions. In September 2000, the Supreme Court of Zimbabwe ruled out that the monopoly of ZBC which has violated the constitutional right of freedom of expression and nullified section 14 and 27 of the Broadcasting Act. This led to the establishment of a privately owned broadcasting service ever in Zimbabwe, known as Capital Radio. According to MISA_Zimbabwe (2017), the government confiscated the Capital radio’s equipment and closed it down on the day of the inauguration of its operation. In October 2000, the government promulgated the Presidential Powers (Temporary Provisions) Broadcasting Regulations, under the Presidential Powers (Temporary Measures) Act. These Regulations stated that all broadcasters shall be licensed under an authorized commission to be formed called the Broadcasting Authority of Zimbabwe (BAZ). Only the Voice of America’s Studio 7, SW Radio Africa and Voice of the People have been broadcasted without being censored as they are being operated and produced abroad (MISA-Zimbabwe, 2012).

Since the enactment of BAZ in 2001, not a single privately owned broadcasting service has been issued a license to operate a broadcast media service, except for Star FM and ZiFM. The two national commercial broadcasting stations were permitted to broadcast in 2012 but its ownership is traced back to the ruling government officials, like Super Mandiwanzira who owns ZiFM and several other media companies (MISA-Zimbabwe, 2016). The emergence of advanced technology in 21st century has forced the Zimbabwean government to license some of the radio stations in 2015, under Zimpapers Group which is controlled by the state. These include - Capitalk FM which only covers Harare, Mutare’s Diamond FM for Mutare town and Kariba’s Nyaminjami FM for Kariba audiences. Zimpapers Group also owns a national commercial radio station, Star FM. The state currently operates four radio stations, namely Power FM, Radio Zimbabwe, Sports FM and National FM. The Broadcasting Authority of Zimbabwe is yet to provide a license to community radio, as government continues to quibble on the subject since early 2000. Figure 1 shows the map of Zimbabwe which can be used to identify areas that have access to the frequency of the available radio stations. Only cities at the center such as Masyingo and Chinhoyi have access to radio frequency, whereas areas like Binga do not have access.

The television broadcasting service has also been negatively affected by media legislative laws and BAZ. The fact that all board members are appointed by the Minister in consultation with the President, it has politicized the board members as the Minister has the power to dismiss any board member upon disagreement (Mazano, 2016). The board was created to ensure that media legislatives are observed by media companies and if there is any infringement of this legislatives, then action should be taken. According to a report by Media Institute of Southern Africa (MISA-Zimbabwe, 2010), JOY TV aired some of the corruption activities through their programmes and posed a threat to government officials. This led to the banning of the broadcasting service owned by Makamba, who also was a government official, for violating the 2001 Broadcasting Service Act. The banning of the only commercial national broadcasting television service affected the filmmakers, broadcasting technicians and other employees who suddenly became unemployed. The shutting down of Joy TV did not inhibit the development of Zimbabwe broadcasting service but discouraged those who intended to join the broadcasting services and own their own broadcasting television channels.
The standards of BAZ are not well defined which has left room for abuse and arbitrary decisions by the Censorship Board (Freemuse and Nhimbe, 2016). The Broadcasting Services Act has been denying to issue a licence to potential air broadcasters such as Strive Masiwa for years. Nevertheless, Masiwa decided to establish his vision in other countries such as Zambia, Rwanda and Ghana. Finally in 2017, his company Econet managed to partner with Dr. Dish who owned a licenced satellite television (My TV Africa which failed to provide for broadcasting television service) and introduced Kwese TV. Kwese TV offered a lot of services and channels which made it the greatest competitor of ZBC TV, therefore the national broadcasting service made the Broadcasting Authority of Zimbabwe ban Kwese TV and challenge its operations in the court. The Broadcasting Authority of Zimbabwe allegations were based on the illegal use of Kwese TV of Dr. Dish’s licence, which was specifically issued to My TV Africa. After several court cases up to the Supreme Court, it was ruled out that Kwese TV licence was legal and therefore granted to continue with its operations and transmissions in the television broadcasting service.

Despite the fact that Kwese TV is owned by a Zimbabwean citizen and has a reputable record of its competency across Africa and has contracts with United States’ National Basketball Association (NBA), the broadcasting service have been denied licence by BAZ. This clearly showed that the commissioning organisation is not in support of any privately owned broadcasting service. Currently Kwese TV is one of the competitive satellite television with competent employees such as Joseph Hundah, one of top niche African television media executives, as the head of Kwese TV. KweseTV has also signed a multi-year content deal with English Premier League and formed alliances with Roku TV in Nigeria and Netflix in South Africa.

According to an African Media Barometer (2015), there are satellite receivers dotted around every suburb in the country which indicates that the majority of people in Zimbabwe have resorted to satellites television because ZBC Television is producing poor quality programs that are highly politicized. The lack of subsidies from potential foreign investments have weakened the film industry in Zimbabwe. While thousands of jobs are being created in countries like Nigeria and South Africa through foreign investments, Zimbabwe has prohibited direct foreign investments in their broadcasting service under Section 27 of BAZ (2001). Figure 2 shows the growth of film production in Zimbabwe from 1980 to 2018.

![Figure 2. Number of films produced in Zimbabwe from 1980-2018.](image)

The estimated figures clearly shows that the film industry have potential to grow but it has been encountering numerous challenges, such as importing film equipment as the country has been facing shortage of foreign currency. Despite the availability of advanced technology to improve the quality of the film and its operations, Zimbabwe has remained underdeveloped due to the lack of subsides to support the industry. The restriction of foreign investment and private investors has shirked the development of film industry in Zimbabwe. Mhiripiri (2011) affirmed that the political environment has resulted in the production of short films through self-censorship, and Rwafa (2012) also resonated that it inhibits the development of film industry.
Whilst other countries have adapted the advanced technology and moved away from analog system, Zimbabwe missed the deadline of 17 June 2015 set by the International Telecommunications Union. It has been 3 years and till date Zimbabwe hasn’t shifted to digitalization even after the Southern Africa Development Community (SADC) extended the deadline to June 2016. At present, the national broadcasting service frequency does not cover the whole country. Figure 3 presents a map of Zimbabwe and the areas that covered by ZBC TV (MISA-Zimbabwe, 2016). The areas in green and white does not have access to ZBC TV frequencies.

![Figure 3. A map showing the coverage of ZBC TV](image)

The Zimbabwe television broadcasting service has remained under-developed mainly due to the media laws. Organizations such as the Media Institute of Southern Africa (MISA) and the Zimbabwe Association of Community Radio Stations (ZACRAS) have made efforts to have media legislative laws reviewed or deregulated in accordance to the new Constitution amendment Act (20), but the restriction of media operations have worsened.

According to MISA-Zimbabwe (2018), the root cause of the challenges in the Zimbabwean broadcasting service lie in the Broadcasting Services Act (BSA). BSA must be immediately deregulated, which will pave way for a diverse radio and television broadcasting services that will cut across all geographic communities in Zimbabwe. Liberalization of ownership in the broadcasting services will potentially contribute to the employment of people in the sector. Campbell (1999) agreed that deregulation of the current legislative laws will allows flexibility in the operations of the media firms. This will include the involvement of private players in the industry with market oriented techniques as addressed by Akeem et al. (2013) who reported that the “1992 deregulation programme opened the broadcast media landscape to private ownership, a step that had brought tremendous improvement to the growth and development of broadcast media in Nigeria”.

5. Conclusion and Recommendations

The paper discussed the effects of media legislative laws in Zimbabwe that have kept the radio and television broadcasting services under-developed. The analysis of data and information revealed that these media contravene with the constitution of Zimbabwe which promotes free flow of information. However, the legislative laws undermine the constitution, and this impedes the fact that Zimbabwe is a democratic nation open to global partnership. It is important that if there are going to be new media Legislative laws made or amended, the laws should be conducive for commercial
as well as community radio and television stations. Legislators must consider working with media practitioners and involve the public in all stages even when formulating laws and media boards.

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Biographies
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