



Defending free expression and your right to know

November 20th, 2013

BAZ invitation for applications for local commercial broadcasting service licences

MMPZ welcomes the invitation of applications by the Broadcasting Authority of Zimbabwe (BAZ) for local commercial radio broadcasting services in 25 areas of the country.

In a statement, BAZ chief executive Obert Muganyura said the latest invitation would cover 25 specific locations including all major cities and towns such as Bindura, Chegutu, Chipinge, Chiredzi, Chirundu, Gwanda, Hwange, Lupane, Marondera, Plumtree, Redcliff, Rusape and Zvishavane. This follows its invitation of last year, which apparently had “few takers”, according to Muganyura.

In a statement, Muganyura said BAZ would issue guidelines on the qualification criteria in order to assist applicants in meeting the qualification requirements stipulated in the Broadcasting Services Act (BSA) (*The Herald*, ZTV, 26/10, 8pm and Studio 7, 26/10).

The guidelines were published in the state-owned *Sunday Mail* and *Sunday News*, the following day (27/10).

While MMPZ welcomes this invitation, there are several reasons why we remain sceptical of the sincerity of government’s intention to genuinely free the airwaves.

Chief among them is the fact that BAZ is inviting applications under the same old discredited legal and institutional framework.

For instance, the BSA, under which the applications were invited, contains restrictive provisions that appear to contravene the letter and spirit of the new Constitution. This law, for instance, rules out applicants who are “**wholly or partly funded by foreign donations or contributions**” and compel applications to “**provide proof and particulars of source of funding**”. Political parties and organizations are also barred from applying for licences, among other strict conditions.

Section 61 of the Constitution declares that: “**Every person has the right to freedom of expression, which includes freedom to seek, receive and communicate ideas and other information**” and that the broadcasting and

other electronic media of communication **“have freedom of establishment, subject only to State licensing procedures that are necessary to regulate the airwaves and other forms of signal distribution”**, and are **“independent of control by government or by political or commercial interests”**.

The legitimacy of BAZ itself has been a subject of serious debate, as the Media and Information Minister at the time, Webster Shamu, unilaterally appointed it in September, 2009 during the existence of the coalition government.

Notably, the BAZ board he constituted was packed with former military men and ZANU PF allies, thus compromising its independence from political influence.

MMPZ remains concerned that despite common agreement during the period of the coalition government soon after its formation that BAZ and other media boards required reform and was a pre-requisite for the holding of national elections, the new ZANU PF government no longer considers this a priority before the issuing of new broadcasting licences.

This concern derives especially from BAZ’s previous partisan handling of applications for national broadcasting licences, which resulted in the controversial licensing of Zimbabwe’s first two private commercial radio stations in November 2011. These stations are Star FM, which is owned by Zimpapers, a state-controlled private company, and ZiFM Stereo, a private company that was run by businessman Supa Mandiwanzira until his election as ZANU PF MP for Nyanga North and his subsequent appointment as Deputy Minister of Information, Media and Broadcasting Services.

At the time, BAZ ruled that VOX Media, the proprietors of Radio VOP, and other applicants, such as Oliver Mtukudzi’s Kiss FM, had failed to impress them during public hearings held to consider licensing them.

But MMPZ believes the authority bent the regulations regarding the transparency and accountability of this process by not disclosing the type of scoring system and related criteria employed in evaluating prospective broadcasters.

We are of the view that BAZ acted irrationally in awarding licences to Star FM, in which the state has a controlling stake, and ZiFM, which was run and owned by a prominent ZANU PF member, as this entrenches ZANU PF’s monopoly of the broadcasting sector.

In addition, a day before BAZ’s invitation for the latest radio applications, Deputy Minister of Information, Media and Broadcasting Services, Supa Mandiwanzira was reported telling Senate that government was in the process of licensing new radio stations **“to get rid of pirate radio stations that have been spawning anti-Zimbabwe sentiments”** (*The Herald*, 26/10), remarks that corroborate doubts over government’s sincerity to open the airwaves to all citizens.

In its news report announcing BAZ’s latest invitation, *The Herald* (26/10) echoed similar sentiments, referring to **“pirate radio stations that are driven by regime-change agents have been broadcasting into Zimbabwe from**

the United States and other countries”.

The state-owned daily added: ***“The radio stations air pro-MDC-T programmes and denigrate ZANU-PF, but the ruling party is still going strong despite the daily broadcasts against it.”***

MMPZ expresses concern over the authorities’ contradictory action of claiming to be interested in opening up the broadcasting sector, while the covert motive appears to be the need ***“to get rid of”*** the so-called pirate radio stations.

We wish to emphasize that there is no government policy that defines what “a pirate radio station” is and that the so-called pirate stations are lawful broadcasters, run by Zimbabweans in the Diaspora.

MMPZ reiterates that the major reason behind the establishment of the so-called pirate stations was the state’s total monopoly of the broadcasting industry through ZBC and undue interference with the national broadcaster’s programming.

MMPZ believes that the so-called pirate stations serve as alternative and useful sources of information and are popular with some Zimbabweans, especially those living in areas that do not receive ZBC signals.

Instead of focusing on so-called pirate stations, the government should urgently repeal restrictive registration provisions in the BSA; dissolve BAZ and reconstitute it as an independent body with the participation of all stakeholders; and then facilitate the non-partisan distribution of affordable broadcasting licences on the basis that they are ***“subject only to State licensing procedures that are necessary to regulate the airwaves and other forms of signal distribution”***.

Only with the repeal of restrictive provisions in the BSA and the appointment of an independent, credible, new BAZ board, which Zimbabweans can trust, will there be any genuine reform of Zimbabwe’s broadcasting sector.

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