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Mediating post-election violence: The need to revisit and rethink media policies and regulations in Zimbabwe

By Jennings Joy Chibike

Executive Summary

Research and observations have demonstrated that the media environment in Zimbabwe is controlled by a repressive and oppressive legislature. The oppressive and repressive legislature is usually enforced during electoral periods thus objective coverage of elections has become a daunting task for journalists. Against this background, this paper through the lenses of local journalists examines the need to revisit media laws so as to liberate journalists and the profession of journalism. The paper tables three possible ways which can help free journalists from the vices for the government whose quest is to insulate their grip on authority through shrinking the democratic space. The paper suggests that journalists must be consulted in the media policy making processes, the government must take significant steps towards liberating the media terrain and lastly there must be a legislature that protects journalists so that there is objective coverage of the 2023 harmonized elections.

Keywords: media laws, post-election violence, Zimbabwe

1. Introduction

This paper is an examination of measures that can be taken to address the draconian media laws which have criminalized the profession of journalism in Zimbabwe. It comes against the background that most scholars and media experts such as Mungwari (2019), Chuma (2018) and Chari (2010), have interrogated the dwindling democratic space which is not conducive for journalists and media practitioners particularly those from private media houses. Against this milieu this paper takes a detour and examines various ways in which media policies can be reconfigured and metamorphosed to suit the local media terrain, through lenses of sampled journalists. This is integral because it helps liberate the media industry which has all along being muzzled by the elite whose quest is to tighten their grip on authority and continue with shoddy, corrupt escapades at the expense of the civilians.

2. Background and context

The year 2000 marked the introduction of stringent media laws in Zimbabwe (Dube and Ncube, 2019). This was triggered by the emergence of a powerful opposition party which had the backing of the white community and local civilians who had detested the Zimbabwe Africa National Union Patriotic Front (ZANU PF) led government's socio-political and economic stances. Legal mechanism such as Access to Information and Protection of Privacy Act (AIPPA) and Public Order and Security Act (POSA) problematized the gathering and distribution of news by journalists (Mukasa, 2003). These legal frameworks shrank the communicative space and subsequently squashing prospects of democracy in the country. According to Chiweshe et al (2003) AIPPA made it possible for heads of institutions to refuse with information, called for journalists' accreditation and it provided an act for the appointment of members of the Media Commission who were appointed by the Minister of Information. In the same vein POSA prohibited the publication of information which could potentially lead to public alarm and criminalized statements which undermined the armed forces and government. These laws protect the government at the same time making it hard for journalists to practice their profession. In this context, media polices in Zimbabwe show that there is no press freedom, which in turn indicates democratic deficit in the country (Chibike, 2021).

3. Brief discussion of the media and elections in Zimbabwe

Scholars Behnke (2019), Gilboa (2005) and Ndlela (2005) contend that election processes in Africa are marred with incidents of violence. Calamity and monstrosity have characterized elections in countries such as Cameroon, Ivory Coast, Kenya, Nigeria, Uganda, Serra Leone and Zimbabwe (Aldofo et al. 2002). Further, the calamity has attracted the attention of media practitioners who have made efforts to cover the events however, with much resistance.

The Zimbabwean media and elections have attracted expansive scholarship (Chibuwa, 2020) and what is common is that media coverage has indicated that elections in the country don't shy away from violence (Mungwari, 2019; Gatsheni-Ndlovu, 2010; Kriger, 2005). In light of this Chibike (2021) argues that the election violence indicates a culture of political violence, political intolerance and democratic decay in Zimbabwe. In covering the election journalists are usually intimidated in a bid to stop from covering the incidents. Local journalists such as Leopold Munhende, Paul Pindani, Bernard Mapwanyirea, Mashudu Netsianga, Urginia Muluka and Hebert Moyo have been attacked, intimidated, harassed, abducted and arrested while covering election campaigns, elections and post-election violence. In some instances some media houses were forced to fold such as *The Tribune*, *Daily News* and *Sunday Times* because of their coverage of political processes and crisis in Zimbabwe. This illustrates the dangerous and vampiric conditions in which journalists operate under particularly during democratic processes such as elections in Zimbabwe. My curiosity in this study emanates from the need to examine journalists' perspectives in reconfiguring media policy against the background that the media terrain is not conducive for them.

4. Methodology

This qualitative study extracted data from 10 purposively sampled local journalists. 5 journalists were from private media while the other 5 were from state media. Journalists were chosen because they understand the media industry in Zimbabwe and their insights are important in the rethinking and revisiting of media policies. The journalists were subjected to semi structured in-depth interviews. During the interviews they were asked their perceptions on the media terrain, the laws that govern media practice and how best can media laws be changed to suit media practitioners in their practice as they gear up for elections in 2023. The researcher presided over the interview which took place via social media application WhatsApp.

5. Possible options

The media terrain in Zimbabwe is control by anachronistic policies and as such the following options must be taken into consideration to liberate the terrain:

- Journalists must be consulted prior enacting media policies
- Government must loosen grip on media operations
- There must be laws that protect journalists

The next section discusses these options in detail.

6. Discussion and analysis of options

There is consensus that legal frameworks regulating the practice of journalism in Zimbabwe are not friendly to the practitioners. Against this milieu one of the participants had it that there is need for journalists to be consulted during the media policy making processes. Consulting stakeholders in the media industry will lead to the creation of an environment enabling the free and fair practice of journalism. Stakeholder involvement will result in the development of productive and informed media policy development which will expand the democratic space in the country. Consultation assures greater satisfaction from stakeholders involved in this case being practicing journalists and media scholars who have been yearning from press freedom for a long time. Additionally policies which are rooted in stakeholder opinions are easier to implement and are better accepted by the journalists. However, the consultation of stakeholders before the enactment of media policies comes with challenges against the background that media industries are polarized according to political affiliation. The media policies will definitely be slanting toward the interests of journalists with a certain political ideology at the expense of the others. Additionally, the consultation processes are themselves not easy as they are time consuming, expensive and taxing. Though this is the case media policies in Zimbabwe must be birthed after intense consultation with journalists. This will result in the liberation of the communicative spaces, easy access to information by journalists, reduced intimidation of journalists by law enforcements against against the background that journalists are gearing up for the 2013 harmonized elections. The consultative process in creation of media policy is important to Zimbabwe as it will lead to the decriminalization of the practice of journalism.

Other participants were of the notion that government monopoly on the practice of journalism must come to a halt so that journalists thrive in their work and also there are fair media policies enacted. This result in policies which make it easy for journalists to access

information from government agencies freely against the background that policies such as Official Secrets Act hinder easy access to government information by journalists. The relaxation of government control on the media profession, results in situations where journalists are not coerced to disclose the identity of their informants in the event of the publication of information which portrays it in negative light. This ably demonstrate the fact that the liberation of the media from the vices of the government results in weakening of policies which against the protection of journalists and sources. At the same time the liberation results in the creation of policies which champion media independence. Also, media practitioners will have easy access to government information. However, the privatization of the media entity is something that is easy to achieve against the backdrop that the government uses the media to drum up support for its initiatives and activities. It uses the media to win the hearts of the civilians. Enforcing a policy which forces the state from having a hand in the operations of the media will be a tantamount task which cannot be easily achieved. Despite this, the privatization of the media and the creation of media policies will result in the reduction and distribution of propaganda and falsehood through the media which undermines the civilians. The media becomes answerable to the citizens instead of the government thus media practitioners become free to go about their business without fear, intimidation and harassment from the government and its agencies. The constitutional right to freedom of expression will then be granted to journalists and civilians.

To save journalists and the media industry there must be the creation of legislature which protects journalists from monstrosity unleashed on them by the security forces which have been turned into political tools. One of the participants reiterated the importance of enactment of laws that help protect journalists. Journalists must be free to publish information which is either pro or antigovernment as long as it is objective and of public interest. This will spare journalists any intimidation. This subsequently leads to a well-informed society which is capable of making its own political decision against the backdrop that elections are around the corner. However scholars such as Snide (2016) and Trappel and Manniglio (2009) argue against the elapse of media and journalists control as it might lead to media publishing information which breeds alarm and despondence. However my argument is not based on scholarly basis on the practice itself as it is fundamental for journalists to public whatever information they deem important. By virtue of being human, journalists can control their writing so as to avoid calamity which can be potentially birthed by their publications. All in all I reiterate that there must be policies which protect journalist when they gather and

disseminate information so that the citizenry is well informed as it gears for the upcoming elections.

7. Conclusions and recommendations

There is need for the liberation and decriminalization of the media in Zimbabwe. As such I table that there is need for law and policy makers to consult practicing media practitioners in the law and policy making process. This will result in policies that are friendly to practitioners in the day to day work. Also, there is need for the government to loosen its grip on media operations in the country. This will subsequently lead to independent media publishing objective information to the electorate as it gears up for the 2023 harmonized elections. Lastly, there is need for laws that protect journalists in their operations. This will help resuscitate the shrinking democratic and communicative spaces in Zimbabwe. Against this milieu, I recommend discussions between media practitioners and legislatures about the unfriendly media terrain the practitioners are operating in. Also, the civic societies must join hands in calling for media freedom since the constitution clear states that everyone has a right to their own voice, choice and freedom of expression.

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