



Defending free expression and your right to know

July 15th, 2011

Concern over information blackout on the details of commercial radio licence applicants

MMPZ welcomes the recent invitation by the Broadcasting Authority of Zimbabwe (BAZ) for applications for two “independent” national radio broadcasting licences that it has offered to make available to Zimbabwe’s aspiring broadcasting community.

Following this invitation towards the end of May, notices of companies applying for these licences began appearing in the national Press, and it has been subsequently reported that there are a total of 15 applicants who qualified to be considered.

According to the notices in the Press inserted by the applicants, interested Zimbabweans wishing to comment on the applications were invited to do so within 14 days of the advertisement’s publication by contacting BAZ.

MMPZ responded to this invitation in order to seek information about the identities of the individuals behind the companies applying for the broadcasting licences and to establish their broadcasting credentials, among other points of interest.

However, on two separate occasions representatives of this organization were denied access to any information beyond that published in the Press on the grounds that it was confidential. The only information about the applicants in the Press notices were the names of the companies applying and their head office addresses.

According to Section 10 (3) of the Broadcasting Services Act “***...an applicant shall publish his application in a national newspaper...and in a manner and form approved by the Authority...***”

Evidently, the Press notices were published “in a manner and form approved by the authority...” But the sparse information provided by the notices cannot possibly constitute the publication of an application by any stretch of the imagination.

The Act (Section 10:4) also provides for any member of the public to lodge an objection to an application with the BAZ within 14 days of the publication of the application.

It is clear that the Act intended details of the applications to have been made public in order to allow Zimbabweans the opportunity to object to applications they disagreed with.

MMPZ believes that in the absence of the necessary information to make intelligent comments upon the applications, it is incumbent upon the broadcasting authority to provide it.

Denying such information to the public subverts the open and transparent process of selection intended in the provisions of the Act – and the right of Zimbabweans to have a say in the selection of these broadcasters.

This is especially so since the BSA also stipulates that BAZ draws up a short-list of applicants and conducts a public inquiry for the purpose of determining the suitability of the applicants to be licensed.

In drawing up its short-list, BAZ is also obliged to take into account objections submitted by the public. However, the public cannot make the necessary interventions without sufficient information to make an informed comment. Nor can they participate effectively in the public inquiry.

Denying the public such information undermines the intention of the Act to ensure a transparent and public process in the selection of the broadcasters and shrouds the entire procedure in secrecy.

For example, the 14 days have already expired and the public remain completely ignorant about the identities of the applicants and their capacity to provide an effective national radio broadcasting service. Nor will we know how BAZ arrived at its short-list of applicants to attend the public inquiry, or indeed, who these individuals and organizations are at the time the inquiry is eventually held.

MMPZ calls on BAZ to make details of the applications public so that Zimbabweans can participate effectively in the public inquiry, and in order for the nation to be fully informed about the identity of those organizations that eventually win the right to broadcast to the nation.

If the authority continues to deny the people this right it will further undermine its credibility whose legitimacy is already a subject of dispute between the parties to Zimbabwe's coalition government. This followed Media and Information Minister Webster Shamu's unilateral appointment of the BAZ board in September, 2009, packed with former military men and allies of President Mugabe's ZANU PF party. This action violated the letter and spirit of the Global Political Agreement (GPA), which demands that Mugabe and his ZANU PF arm of government consult his coalition partners over the appointment of such national institutions.

MMPZ is concerned about delays in reconstituting the BAZ board (as well as the boards of the Mass Media Trust that controls the state-owned Zimpapers stable of newspapers, and the national public broadcaster, ZBC) despite reports that Zimbabwe's coalition principals had agreed to this during one of their Monday meetings in October 2009 (SW Radio Africa, 8/10/09), and that the parties' negotiators reinforced this agreement in Cape Town, South Africa, during their discussions on the terms of an election roadmap in April and May this year (*The Sunday Mail*, 5/6/11).

Equally disturbing is the media's silence over BAZ's handling of applications for national commercial broadcasting licences and the fact that the authority itself should be dissolved and reconstituted with the participation of all the partners to the coalition government before it embarks on issuing any new broadcasting licences that will bring an end to government's illegal monopoly of the airwaves. Only with the appointment of an independent, credible, new board, which Zimbabweans can trust, will there be any genuine reform of Zimbabwe's broadcasting sector.

Ends/

Produced and circulated by the Media Monitoring Project Zimbabwe, 9 Knight Bruce Road, Milton Park, Harare, Tel: 263 4 741816 / 778115, E-mail: monitors@mmpz.org.zw