

LIBERALISE THE BROADCAST MEDIA TO ASSIST VOTERS MAKE INFORMED CHOICES

By Zimbabwe Election Support Network (ZESN)

POWER OF MEDIA

It is obvious that the media plays an influential role in modern politics. In addition to the traditional electronic and print media, the internet has become a powerful tool for information dissemination, as evidenced by the reported role of social networking sites such as Twitter and Facebook during the Arab Spring which saw the toppling of dictatorial regimes in Tunisia and Egypt.

In many parts of rural sub-Saharan Africa however, print and electronic media remain the dominant media platforms and the space is severely restricted. These media spaces become heavily contested territory during election periods. Fair and balanced media coverage in respect of elections is important. This includes media coverage in the run up to, during and in the aftermath of polls.

Fair and balanced media coverage contributes to a level playing field for all political contestants in elections. Conversely, unfair and unbalanced coverage distorts the playing field by giving unfair advantage to the selected few whilst undermining their opponents. The media can also play a role in exposing irregularities which make it a potentially useful watchdog that restrains contestants and their supporters from engaging in misconduct.

In addition, fair and balanced media provides a platform for politicians to negotiate access to the voting public. It enables politicians to speak directly to the public whilst also availing opportunities for the public to put aspiring representatives under scrutiny. By giving accurate and factual information to the electorate, it enables them to make informed decisions when voting.

However, used manipulatively, it is also recognised that the media can be a negative force when, for example, it gives space to hate speech and encourages violence. It is widely recognised that hate speech through the electronic media was part of the forces that incited genocide in Rwanda in 1994. Sadly, in most African countries, the state media continues to be manipulated in favour of the ruling parties and more seriously, spews hate speech against political opponents, which incites violence.

LIBERALISE THE BROADCAST MEDIA MARKET

The Electoral Amendment Bill re-enacts the equivalent part of the Zimbabwe Electoral Commission Act. The ostensible purpose is to ensure that news media give fair and equitable coverage to all parties contesting an election.

There is a mandatory requirement on public broadcasters to give all parties contesting an election free access to the broadcasting services as prescribed. Regulations will be expected to ensure that the time allocation and coverage are fair and balanced, allowing each party in an election ***"reasonable opportunity to present a case through the broadcasting service"***.

It is useful that this is a mandatory obligation as the single electronic broadcaster (ZBC) has been accused in previous elections of supporting the ruling party and

constantly denigrating the opposition. However, ZESN believes that the proper solution to the problem of media bias is to widen the market of broadcasters. Plurality and competition in the media will eventually even out the biases held by the different media organisations. The voting public will be able to get a better picture by listening to the varied accounts broadcast by different media organisations compared to having to rely on one broadcaster.

In this regard it is regrettable that a decade after the Supreme Court struck down the monopoly of the state broadcaster (ZBC) in the **Capital Radio** case, reforms to allow private broadcasters have been slow and ineffective.

- ***ZESN therefore recommends that the licensing authorities speed up the authorisation process to enable more broadcasters to participate well before the elections are called.***

QUALITATIVE ASPECTS OF FAIRNESS AND BALANCE

The Bill highlights the quantitative aspects of fairness and balance – i.e. prominence and time-allocation but falls short in dealing with the qualitative aspects of broadcasting and publishing – such as the balance between negative and positive stories and opinions. There is a need to provide specific definition of and guidance on what constitutes “fair and balanced coverage” because equal time and space allocation alone cannot be sufficient.

In this regard it is notable that coverage of a party may be extensive and equal to that of other parties but if such coverage only focuses on the negatives it would be unfair and unbalanced. Thus it is not just the quantitative aspects of coverage that are relevant for consideration in determining fairness and balance of coverage but also the qualitative aspects.

- ***ZESN recommends that the law and regulations specify in clear terms the requirement for qualitative fairness and balance, beyond the quantitative considerations.***

OMISSION OF GENDER

Whilst the Bill commendably prohibits the use of hate speech and any language that incites violence or encourages racial, ethnic or religious prejudice or hatred, there is a glaring omission in the list of indices of prejudice or hatred in that ‘gender’ is not specifically stated. Yet women are routinely subjected to physical and verbal violence – politically-motivated rape and verbal denigration being common acts committed against women. Given the high levels of prejudice suffered by women politicians or public figures in a terrain that generally male-dominated, it is imperative that ‘gender’ should be expressly stated in that provision.

- ***ZESN recommends that gender should be added to the list of indices around which hate speech and violence is specifically prohibited.***

LACK OF CLEAR SANCTIONS FOR BREACH

A framework for monitoring the media to ensure that the law is observed is essential otherwise the rules would be inconsequential. In exercising the monitoring function, the Commission is entitled to assistance from the Zimbabwe Media Commission and the Broadcasting Services Authority. The law also keeps open the door to private participants wishing to carry out similar functions. This preserves the role of such organisations like the Media Monitoring Project Trust (MMPZ) which have played a key role in exposing the media biases.

Nevertheless, the biggest problem with the Bill is that it fails to put in place specific and effective sanctions for breaches of the legal requirements by the media. A law that fails to provide effective sanctions against breaches is not likely to have any impact on behaviour.

- ***ZESN recommends that this part of the law be re-visited with a view to installing clear sanctions for breaches. Sanctions could include suspension of a licence, heavy fines and clear directions to publicly and prominently correct any false and/or misleading publications.***

PREVENT CIRCUMVENTION

A final point is that the law must specifically prohibit attempts to circumvent these requirements through programming that purports to be otherwise than it actually is. For example, a political programme might be dressed up as a religion and culture programme. Focus must be on the content of the programme as opposed to its title. Such programmes should reflect balance of opinions across the political spectrum and not give undue coverage to supporters of one political party or ideology.

CONCLUSION

In conclusion, all this points to the need to take into account not just the quantitative aspects but also the qualitative aspects of media coverage. The lack of clear sanctions for transgressions makes this law weak and ineffective in reining in bad behaviour in the media. Overall, ZESN recommends greater and quicker liberalisation of the broadcast media because plurality of participants and competition among media houses promote voters' freedom of choice and helps them to make more informed decisions.

Send comments and feedback to: info@zesn.org.zw or zesn@africaonline.co.zw