A QUESTION OF BALANCE

ZBC television ads
8 - 9pm
17th Jan - 12th Feb 2000

No. of ads

Vote Yes!
139

Vote No!
14

Media Monitoring Project Zimbabwe

March 2000
ACKNOWLEDGEMENTS

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CHRONOLOGY OF THE CONSTITUTION-MAKING PROCESS

1997
A number of civic groups, including human rights organisations, churches, opposition parties, media and labour unions begin a series of meetings to discuss the formulation of a process towards creating a new constitution. They argue that the Lancaster House Constitution, regarded as a stop-gap in 1980, has been amended 15 times only to entrench the ruling party’s power and that it does not represent the people of Zimbabwe.

1998
The National Constitutional Assembly is officially launched in January. It continues to hold frequent consultative meetings with its membership throughout the country.

1999
April 29th
The Constitutional Commission is appointed by the President (statutory instrument 138A of 1999). The NCA refuses to participate, citing a flawed process, the results of which the President can choose to ignore. The NCA also complains of an overwhelming majority of ZANU (PF) commissioners as all Members of Parliament are co-opted on to the commission.

May 21st
The Constitutional Commission is sworn in.

June 18th
First working plenary.

August 16th
Outreach programme commences. Approximately 5000 meetings throughout Zimbabwe, South Africa, Britain and the United States are held to receive the people’s submissions.

October 22nd – 24th
Provincial reports presented to the CC plenary.

November 29th
The draft constitution is adopted by the plenary in what some commissioners describe as an undemocratic manner. (i.e. proposed, seconded and passed without a vote.) It is presented to the President amid controversy that the views of the people are not well represented.

December 4th
The work of the Commission officially comes to an end. An executive committee is retained to continue the commission’s work until after the referendum.

January 2000
Advertising campaign for a “Yes” vote begins in print media and ZBC radio and television.

This report covers the period January 3rd - February 20th and looks at the media coverage of the constitution-making process and the referendum.
INTRODUCTION

When the media receive money out of the public purse, they have an obligation to provide information impartially to every member of the public. In more than a year of monitoring, the MMPZ has documented a manifest failure by the public media in Zimbabwe to discharge that duty. But it is difficult to persuade the ZBC and Zimpapers themselves of their failure, because the exact details of their obligation to the public are nowhere set out clearly. In an election, by contrast, which is a formal contest between competing political parties, it becomes relatively simple to define what responsibilities the public media must bear. And in a referendum, which is a straight contest between two points of view, the obligation becomes simpler still: it is to provide an equal and balanced presentation of both positions. A review of the media's role in the constitutional referendum is important not only for the impact it may have had on the result of the vote, but also as a snapshot of the current state of the media in Zimbabwe.

However, the task of monitors was made much more difficult by the fact that none of the relevant actors—such as the Electoral Supervisory Commission or the ZBC Board—set out any guidelines for measuring the fairness of media coverage. The MMPZ measured the referendum coverage against a variety of standards derived from Zimbabwean and international law, good practice elsewhere and plain good sense. Basic standards for referendum coverage would include the following:

• Before the referendum, the media have a duty to inform the public about the issues being voted on, voting procedures and other relevant matters.

• Publicly funded media have a duty to be balanced and impartial in their referendum reporting and not to discriminate against any political viewpoint in granting access to air time.

• Any laws that restrict freedom of expression in breach of international law and standards must be abolished.

• There must be no censorship of any referendum programme.

• Public media must be particularly scrupulous in complying with their obligation to provide accurate, balanced and impartial information in their reporting of news and current affairs.

• Any media that provide direct access slots should do so on a non-discriminatory basis. For the public media, such as the ZBC, this would mean allocating direct access on a 50:50 basis between Yes and No campaigns.

• Direct access programmes should be aired throughout the campaign period and at times when the broadcasts are likely to reach the largest audiences. The times of broadcast should be allocated fairly between Yes and No campaigns.

• The media should provide an effective opportunity for journalists, current affairs experts and/or the general public to put questions to party leaders and other candidates, and for candidates to debate with each other.

• Journalists, experts and other questioners should be selected so as to ensure balance among the questions.

• Government media are obliged to broadcast voter education programmes. The programmes must be accurate and impartial and must effectively inform voters about the voting process, including how, when and where to vote, who is qualified to vote, the secrecy of the ballot (and thus safety from retaliation), the importance of voting, and the matter to be decided by the vote.

• If the media publish the result of an opinion poll, they should try to report the results fairly and, in particular, publish all readily available information that would assist the audience in understanding the poll’s significance.

This report examines how far the Zimbabwean media succeeded in doing all this during the referendum on the draft constitution. The MMPZ published weekly reports throughout the campaign, which provide greater detail and more examples. However, this report summarizes the trends over the period from the beginning of January until after the vote on 12-13 February.

First, the report looks at the role of the media in voter education. Then it examines direct access programming, advertising and current affairs. The following chapter reviews news coverage, including reporting of opinion polls. The report goes on to look at reporting of the poll itself and of the final result. Finally, the MMPZ offers a series of recommendations, both on media reform in general and on coverage of the forthcoming parliamentary elections.

VOTER EDUCATION

The Constitutional Commission ran a number of quiz questions throughout its TV documentary series. In the course of the documentary on 26 January, the Commission asked the following question:

Who is eligible to vote in the historic referendum and what documents are required to prove eligibility?

The answer, for which the “lucky winners” won “Vote Yes” T-shirts or a copy of the Constitution song, was broadcast on 2 February:

The answer is any Zimbabwean who is 18 years and above is eligible to vote. The voter must present any one of the following documents – national identification card, passport, driver’s licence or birth certificate with positive identification to the polling officer as proof of identity.

Mr Tshabe Mudoa of Harare was not one of the five winners. The Registrar General, interviewed on ZTV’s Insight on 7 February, explained somewhat laboriously, but unambiguously, what identification was required to vote. Zimbabweans had to present a valid identification card, while resident aliens had to produce a valid passport or ID, accompanied by evidence that they were on the voters’ roll. A driving licence was not sufficient identification.

Mr Emmerson Mnangagwa might have been one of the 85 viewers who sent in what the Constitutional Commission described, inaccurately, as a “correct answer”. On 11 February, the morning before the vote, the Minister of Justice, Legal and Parliamentary Affairs, was interviewed on AM Zimbabwe, stating that a driving licence was adequate identification for voters. The interviewer was not sufficiently well-briefed to ask the Minister about the contradiction between his statement and the Registrar General’s – a serious failing since presumably the main reason for asking the question was the lack of clarity in official statements up till that point.

In the event, the Registrar General was right and the Minister and Constitutional Commission were wrong. Anyone who tried to vote using a driving licence was turned away. But Mudoa had made his own contribution to the confusion. In The Herald of 22 January (“Registrar General’s office considers mechanisms of holding referendum”), the RG said that his office was looking at whether or not the voters’ roll would be used during the referendum. It was not – and on this point Minister Mnangagwa was correct.

This shambles, which resulted in an unknown number of potential voters being
disenfranchised, was not primarily the fault of the media but of the government. However, the failure to get a clear message across highlights two of the media's responsibilities. As a vehicle for voter education, the media, especially the publicly funded media, should have taken it upon themselves to disseminate accurate information about this most important aspect of the voting process. As news gatherers they should have been able to expose the contradictions of official statements on the matter.

The question of who was qualified to vote was only one of many matters that should have been covered by a proper voter education programme. In practice there was no voter education through the media at all—neither at the initiative of the Registrar General nor the Electoral Supervisory Commission, nor generated by the media themselves. To the extent that voters did have accurate information, this was likely to have been to the credit of civic education NGOs.

A well-conceived voter education programme would usually contain three elements:

- information about the practicalities of voting— who, where and how;
- information about what the electorate is voting for—in other words what will be the outcome of their vote;
- information about the issues under debate in the campaign.

In the event, the media failed to convey systematic and accurate information about any of these.

Aside from the question of who was entitled to vote—which was muddled from start to finish—it was also not unimportant to tell people where they could vote. At the time of voting the sum total of information conveyed was that people could vote "anywhere"—by which was meant at any polling station, since the register of voters was not being used. However, it was only in the after-the-fact newspapers of Friday 11 February that the polling stations were announced. The Herald printed this information with poor, unclear layout, and, worst of all, failed to include part of the list, with the result that voters in Harare and Bulawayo had no information about where they could vote. This was rectified in the Saturday edition. The private Daily News, by contrast, printed the list of polling stations in a clear pull-out supplement—and in its entirety.

As with the fiasco over driving licences, the main responsibility for the confusion over polling stations lay with the electoral authorities, not the media.1 But, as with the issue of who was qualified to vote, the media should have taken it upon itself to provide this information to the public and harried the authorities until they provided the necessary details.

Other "voter education" in the media was conducted by the Constitutional Commission. Television advertising urging people to vote—and telling them how to complete their ballot paper—was followed by a graphic showing an X being placed in the "Yes" box. This breached the most elementary ethical rule of voter education—the requirement that it be impartial. This was especially blatant given that the ballot paper was only printed in English—not in Shona, Ndebele or any other indigenous Zimbabwean language. A substantial number of potential voters would have required accurate voter education to help them signal their choice correctly.

The problem lay with the ambiguous (and arguably unlawful) role of the Constitutional Commission both as the custodian of the constitutional process and as the principal propagandist for a Yes vote. The Constitutional Commission documentaries, in common with the CC's newspaper advertising campaign, made no attempt to provide an impartial summary of the constitutional proposals for voter information. Indeed, the entire campaign was marked by the absence of any accessible version of the proposals in any medium. Any newspaper might, for example, have produced an attractive supplement summarizing the constitutional issues in simple language. The Constitutional Commission presented some of the issues in the draft, but only as a prelude to calling for a Yes vote. The private press subjected the draft to extensive critical scrutiny. But no one presented a simple voters' guide.

The significance of this latter point is that it is doubtful that more than a handful of voters...
DIRECT ACCESS, CURRENT AFFAIRS AND OPINION

It is common in elections and referenda for the competing parties or points of view to be allowed to broadcast direct access programmes on radio and television. The form that this takes differs from country to country. In some instances, the United States being a prime example, direct access programming consists of paid advertisements produced and paid for by the parties. In other countries, notably a number of European nations, there is no paid advertising, but direct access slots are allocated free of charge. Sometimes the party is required to pay for the production of the material; sometimes this is done by the public broadcaster. The argument in favour of free direct access programming is that it gives an advantage to the richer parties. In referenda, it is usual to allocate direct access slots on the basis of a straight 50:50 split between the two contesting points of view. The United Nations team advising on preparations for the Malawi referendum in 1993 on the future of the one party system put it this way:

In the case of government-owned media, it is customary that equal access, both in terms of timing and length of broadcast, should be given to the competing sides to put forward their arguments. 6

The approach taken by the ZBC was a different one. In the absence of any external guidelines – from the Electoral Supervisory Commission or even the Registrar General – the corporation chose to broadcast direct access programming exclusively on behalf of the Constitutional Commission, which was campaigning for a Yes vote. This blatant censorship was challenged by the NCA, which won a ruling in its favour from the High Court on 14 January. The ZBC refused to comply. By this time, of course, the campaign was already more than half way through. ZBC radio and television failed even to report the High Court’s decision. Subsequently the ZBC still refused to screen some of the NCA’s material on the grounds that it was “imbalanced” and not up to the ZBC’s usual standards – a decision that showed that, whatever the ZBC’s failings, it was not lacking in chutzpah – or sheer cheek. In a statement on 28 January, the ZBC, in outlining its reasons for not showing NCA material, stated, among other things that the corporation was legally barred from showing “pornographic material”. By implication this curiously suggested that some of the NCA’s material was “pornographic”. ZTV viewers never had the chance to find out. The 2 hour-long NCA programmes eventually aired were dull in both presentation and content. Neither pornography nor lack of balance were in evidence.

One fundamental question that both the ZBC and the CC need to answer is: what standing did the Commission have to advertise in favour of a Yes vote? The Constitutional Commission’s mandate came to an end when the draft was submitted to

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1 The Constitutional Commission spokesman, Jonathan Moyo, announced in a CC documentary on 1 January, that over 5 million copies of the draft would be printed and distributed in English, Shona and Ndebele. MMZZ received reports from around the country that large piles of the English version only were seen in the offices of District Administrators, schools and other government departments. It is likely that these were not distributed to the wider community. Whether the draft was distributed in the indigenous languages is not known.

2 Report of the UN Technical Team on the Conduct of a Free and Fair Referendum on the Issue of a One Party/Multiparty System in Malawi (15-21 November 1992), para. 27
the President in December 1999. The mandate of the Executive Committee was, however, extended in order to wind up its affairs.

The legal situation was clearly set out in the judgement of Justice Bartlett, when he dismissed the application of Lupi Mushayakarara and Obey Mudzingwa, both dissenting Constitutional Commissioners who sought to postpone the referendum. Justice Bartlett ruled that under the Commissions of Inquiry Act the President had no obligation to act upon the Constitutional Commission's draft and could, indeed, do whatever he wanted with it. Thus Professor Jonathan Moyo, the CC spokesperson, was correct when he said on the 8.00 pm television news on 25 January: "This is a government document now." It was probably in this spirit that the CC chairperson, Justice Godfrey Chidayasiku, told ZTV's Insight on 30 January that the role of the Commission now was to explain the draft's contents so that people could make an informed choice. Yet television, radio, the press and poster hoardings were saturated with advertising, bearing the Constitutional Commission's name and logo — and often graced by the presence of the Constitutional Commission's spokesperson. All this advertising called for a yes vote. None of the Insight interviewers asked how this squared with the CC's role as an "explainer".

The problem with the ZBC's direct access programming was not simply that it was biased. It also made a profound confusion between editorial and advertising or direct access items. It chose to go the American route — charging commercial rates to both the Yes and No campaigns for broadcasting their material. By the MAMPZ's calculation, during the 6 week period immediately before the referendum, ZTV broadcast Constitutional Commission material at a cost of $10 million for documentaries and advertisements aired during the news bulletins. Whether the Commission ever paid the ZBC for this is probably a matter of indifference to the Zimbabwean taxpayer — she pays either way.

The broadcasting in the first 6 weeks of the year of six 55-minute Constitutional Commission documentaries (and their repeats) dangerously blurred the distinction between editorial and advertising. This confusion was heightened by the fact that the documentaries, both for the CC and the NCA, were presented by well-known ZBC personalities, most frequently Colin Harvey. These ran in addition to short CC advertisements — which were also broadcast within the documentaries without being clearly separated from the other content. Yet the casual viewer would have been excused for switching on and mistaking the 55-minute CC advertisements — for that is what they were — for the ZBC's regular programming (but for the much higher technical quality of the CC material). The CC documentaries did contain the occasional voices not advocating — and even sometimes opposing — adoption of the CC draft. But this did not change the character of the programmes as relentless propaganda for the draft. Indeed, the inclusion of occasional dissenting voices may have reinforced the impression that these were "proper" documentaries and thereby underlined their message.

In the week before the referendum there were 17 current affairs programmes on television dealing with the constitution, if we accept the ZBC's own peculiar method of bracketing sponsored documentaries with its own output. They occupied nine hours and 30 minutes of airtime. This includes segments of AM Zimbabwe devoted to the issue. Twelve of these favoured a yes vote, occupying seven hours and 25 minutes. Two were pro-No vote and occupied 40 minutes (15 minutes of a Women's Coalition documentary and 25 minutes on AM Zimbabwe of a representative of the disabled criticizing the draft). Of the remaining three programmes, one was a half-hour NCA panel discussion that included arguments for and against the draft; one was an Insight interview with Registrar General Tobaiwa Mudede and the other a ZBC documentary on land.

Aside from the overwhelming bias in favour of the draft, what was striking about the ZBC coverage was a complete reluctance to promote on-air debate. The AM Zimbabwe interview with Amy Isanga on 20 January was an especially absurd example, with the pro-draft interviewee constantly required to summarize the views of the anti-draft Women's Coalition before expressing her own views. She tried to do this fairly, but why was a representative of the Women's Coalition not interviewed alongside her? Even the good AM Zimbabwe item with Mr. Mlotshwa, representing people with disabilities, would have been stronger if he had been required to debate a defender of the draft. The NCA was invited to take part in the discussion on land broadcast on 11 February, but understandably refused because the debate was not being screened live. Quite apart from helping the
balance of the discussion, such exchanges would make for better television. ZBC interviewers seem uniformly unable to ask penetrating questions, particularly not if they require a follow-up to something that the interviewee has just said. The presence of two differing viewpoints on air at the same time would guarantee some spark to the discussion.

Radio displayed an even greater confusion between direct access and current affairs, with the two sides in the debate – essentially the CC and the NCA – sponsoring editions of regular current affairs programmes on Radios 1 and 3. Spotlight and Heart of the Matter. MMPZ monitors concluded that the NCA-sponsored programmes (which were not on the air until 19 January) were more likely to be a fair representation of the different viewpoints than the CC-sponsored programmes. The objective measure of this is that in all four NCA programmes before the referendum there was a CC spokesperson (three times) or a representative of the Registrar General's office when the topic was the electoral system. No NCA representative appeared in any of the six CC programmes.

Radio 2 broadcast four NCA anti-draft programmes in Shona and Ndebele from 21 January. They went out at 1.30 pm on Friday in Shona and 1.30 on Monday in Ndebele.

Mukarweyana in Shona always had a pro-draft panel (until after the referendum), but it is a phone-in programme, which therefore reflected many dissenting voices from the public. Tsikokwata Sendaba, a phone-in programme in Ndebele, ran only three programmes on the constitution, all of them with pro-draft panels, but again many callers were critical. (Radio phone-ins were rather more lively than those on television – for example AM Zimbabwe with Jonathan Moyo on 10 February or Emmerson Mnangagwa on 11 February – when all questions were mediated through a presenter and no follow-ups were allowed.)

<table>
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<tr>
<th>Number of NCA and CC sponsored programmes on the constitution-making process on ZBC radio 3 Jan - 13 Feb 2000</th>
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<td>CC Programmes</td>
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Before and during the referendum all radio news bulletins were preceded and followed by CC advertisements. On the rare occasions that they were broadcast, NCA adverts came after the CC ones. On television, the NCA was not able to book advertising slots during news bulletins because these had all been taken by the CC. When NCA advertisements were finally screened, in the last week before the vote, just one of these was shown during the main evening news bulletin, compared with 23 for the CC.

On 13 February, the second day of voting, all radio stations devoted almost the entire period between 2.00 and 3.00 pm to Constitutional Commission advertisements calling for a Yes vote. The announcer spoke between advertisements urging people who had not voted to go and do so – at the same time emphasizing that they should vote Yes. He said "how democratic and good" the draft was and called on women to "stop gossiping but to encourage their husbands to go and vote in support of the draft constitution". The previous day, Radio 3 had run a series of 10 minute programmes about the referendum. The presenter stated "the purpose of today’s referendum is to establish whether Zimbabweans accept or reject the first ever homegrown constitution." The background music was Mwana Wenyu ("son of the soil"), a liberation war song alluding to the land issue.

On television too, the CC advertising campaign went into overdrive as the voting actually took place. On the evening of 12 February, after the main news bulletin, there was a long advertising interview with Jonathan Moyo in which he first ventured what was to become a regular refrain: that the poll was being skewed by large numbers of whites voting. Aside from the fact that this was stupid (there not being enough white voters to have any significant effect on the result) and unproven, it was an explicit attempt to mobilize an anti-white Yes vote. In many countries broadcast campaigning is prohibited once voting has begun. It is regarded as unethical, as well as favouring the campaign with the readiest access to the media. MMPZ shares this view and recommends that campaign advertising should be banned once the vote has started, on the same basis that campaigners are not allowed loud hailers or campaigning T-shirts at polling stations.

In the print media the distinction between editorial and advertising copy was much clearer (although it would be interesting to know – as with the ZBC – whether the CC has paid its extensive advertising bills to Zimpapers). Nevertheless, Zimpapers refused to carry any NCA advertising, presumably on political grounds.

In the interests of transparency, the MMPZ urges that in future elections and referenda all parties should be required to publish audited accounts of their campaign spending. Meanwhile, it would be a gesture of good faith for both the CC and the NCA to publish the accounts of their campaign income and spending for the referendum.
Newspaper coverage of the draft and the referendum campaign settled very early into an entirely predictable pattern that was scarcely broken. On one side, Zimpapers and The Mirror had an editorial line in favour of the draft. On the other hand, the other privately owned newspapers – notably The Daily News, Financial Gazette, Zimbabwe Independent and Standard – opposed it. News coverage in the weekly press was generally very thin, with the Financial Gazette and Independent in particular providing much space for columnists critical of the draft but not a massive amount of information. The Mirror, in its credit, despite its pro-draft editorial line, carried opinion pieces expressing the contrary view, while its news coverage was generally accurate and neutral. It is particularly depressing that The Mirror was the only newspaper to carry op-ed articles by external contributors reflecting both the pro- and anti-draft viewpoints (six for and three against between 1 January and 14 February). The Chronicle carried two pieces for and one neutral. Every other paper carried one viewpoint only in its op-ed columns: Zimpapers for, the Daily News, Financial Gazette and Independent uniformly against.

The Sunday Mail afforded Professor Moyo, the CC spokesperson, his own column in the weeks leading up to the referendum. The paper felt no obligation to give space to anyone expressing the contrary view. Even the Sunday Mail's regular columnist Ken Mutuku was denied space on Sunday 13 for his weekly contribution. Entitled "Not that Brother Jonathan again!" Mutuku criticised Moyo for his racist campaign in an article which was eventually printed in The Zimbabwe Independent the following week. It is not entirely clear why Professor Moyo needed a column in The Sunday Mail, since he was far and away the most quoted man in the country, bar none, for the duration of the campaign.

Although the general editorial stance of Zimpapers clearly favoured the draft, differences were detectable between the different titles. The Marica Past concluded its coverage with a sensible review of why the Yes campaign failed. The Bulawayo papers were less slavish in their advocacy of the draft than the Harare ones.

The opinions of both public and private press were frequently reflected in their leader columns as well as in the space they afforded to the different camps. For example, on the morning of the referendum, The Herald ran a front page leader comment, headed "Let us all vote for land, peace and a democratic future", in other words vote Yes. Privately owned papers such as the Financial Gazette, Zimbabwe Mirror and Zimbabwe independent also ran leader comments that week calling on their readers to vote one way or the other (No, Yes, No respectively). The Financial Gazette similarly put its call for a No vote as front page leader. The difference is that these have no legal obligation to serve the people of Zimbabwe as a whole (as does The Herald by the terms of the Mass Media Trust deed), although they are bound by basic journalistic ethics. The Herald leader of 12 February was an unclear jumble of arguments. The main message was that those who oppose the draft have an underlying political agenda – to get rid of Mugabe – and anyway were incapable of producing their own draft (not true and anyway irrelevant). However, the most striking feature of the Herald leader was an extraordinarily convoluted series of references to Shakespeare's Julius Caesar, which would have proved equally baffling to readers whether or not they had read the play. Brutus and Cassius were "despicable politicians" who "tried to seize power through a coup - by rebelling and murdering the head of the Roman state, whom they accused of being a dictator". What relevance did this have to the referendum, unless the paper was accusing the NCA or MDC of planning something similar?

A constant and depressing factor in the campaign at large and the media coverage of it was the constant politicization of the opposing viewpoints. Professor Moyo of the CC repeatedly pointed out that the decision to be made on 12-13 February was not about the merits of any particular party or government – and certainly not about the present incumbent president – but about a whole system of government. Unfortunately neither his campaign, nor he personally, took much notice of this advice. Those who opposed the draft were constantly characterized as being driven by the political agenda of the MDC – the fact that the NCA, which ran the vote No campaign predated the MDC by two years or more escaped both the CC representatives and sympathetic sections of the media. On the CC side the general thrust of the campaign was to reduce the vote to a single issue: the question of land. More broadcasts, for example, focused on the land

*Note to leader writers: It's not try to show off by using literary or classical references unless you know what they mean, because there will always be someone with an English or History O-level to set you right. Much of Shakespeare's Julius Caesar is about the dilemma of Brutus (not a 'despicable man but, famously, 'an honourable man'), a confidant of Caesar who is worried about the increasingly dictatorial turn of events. He is manipulated by Cassius (who, he says 'despicable'), the Herald claims that Caesar's assassination "set in motion a process that, ultimately, led to the split of the Roman Empire'. Actually the Roman Empire did not exist at the time. The immediate consequence of Caesar's death was its formation, with the vanquished Brutus and Cassius becoming the first emperor. The only sense in which the "Herald is correct is that the Roman Empire could not have split (500 years later) had it not first been united."
question than on any other single issue in the draft (and of course, despite the CC's
protests, the amendment to Section 57 on land compensation was the biggest
substantive change to the draft in the "Corrections and clarifications" announced in
January). A ZBC documentary on land was screened on the eve of the vote. There was
also, no doubt by complete coincidence, a dance drama on the execution of Mnang
Nehanda by the settler colonial authorities broadcast on the evening of 11 February.

The other characteristic of the Yes campaign, closely related to the prioritization of the
land issue, was its increasingly racial dimension as the vote approached. The language of
the liberation war was revived, with increased reference to the supposedly
manipulative role of whites in the No vote campaign. One advertisement, which
appeared in the final run-up to the poll in both Zimpapers and ZTV, listed the past sins
of the white settlers. This group, it claimed, had not only imposed their will on the
Lancaster House Constitution, but were now advocating a No vote in order to maintain
their stronghold over the land. As the television advertisement reached its climax,

2000. The same white settlers with the help of the British government and their
international friends are funding sell-out Zimbabweans to buy your rights by
urging you to vote No to the draft constitution. Why should those with land urge
the landless to vote No? For how long shall we continue to be told what to do?
The time has come for us to vote Yes for our own constitution. Vote wisely, yes and
make a historic change by sending a clear message to sellouts and their masters...

Over the last sentence, the logo of the NCA was dissolved into the picture.

But perhaps the true depths were plumbed in a CC newspaper advertisement showing
two named white Zimbabweans wearing "Vote No" T-shirts. The copy read:

Don't follow them back to the dark past when they were queens and kings while
you suffered. Send a clear message to them by voting "yes" and take control of
your destiny today and forever.

Black Zimbabweans who opposed the draft were described as "sell-outs" in CC
television broadcasts. It was constantly claimed, both by the CC and in the course of
news and current affairs articles and programmes, that those who called for a No vote
were in favour of the "colonial" Lancaster House constitution. Interviewed in Shona, Yes
campaigners – most notably President Mugabe himself – began to refer to whites by the
degratory term mabhu. He did not use any similar term in English. Likewise, Justice

Minister Emmerson Mnangagwa on AM Zimbabwe on 11 February:

Zvokwadi kuti mihangwirira nedakasvumvura saruwiri Kuti munhu mutero angiati
haodi vhake. Haodi nhaka yeuvo yenyika vyakakwakwira kwehwo zvako ni
nhosi – amboita sei? ... (I cannot imagine, in my life time, the black people of this
country saying they don't want their land – their heritage, their birthright).

Two key points were ignored:

- Those who were campaigning for a No vote initiated the campaign against the
  existing constitution some years ago;
- It is scarcely accurate to describe the existing constitution as "colonial" when it has
  been amended 15 times by the present government.

In the cut and thrust of political campaigning liberties are often taken with the truth. It
would not be any business of the MNPZ, as an impartial monitor, to take issue with these
points were it not for two considerations:

- An enormous amount of public money went into the production of CC documentaries
  and advertisements, which purported to have an educational and explanatory role
  but in fact perpetuated these inaccuracies;
- A large section of the media – in fact, that section of the media funded out of public
  money – did nothing to question or correct the misrepresentations by the Yes
  campaigners of their opponents.

The No camp also set out a particular agenda. Its focus was largely on the question
of presidential powers, which it said were extended by the draft. While it is clear that
the draft did not achieve what the NCA had campaigned for, there was undoubtedly
a reluctance on the part of the No campaign to acknowledge where the draft represented
an advance on the status quo. As with the Yes campaign, they were perfectly entitled
to this view. But they largely ignored issues that did not sit so easily with the No campaign
– notably the land question. Despite the manipulation of the land issue in pro-draft
propaganda, there is no denying its reality as an urgent and controversial issue
confronting the country as a whole. The private press failed to address this adequately.
But the major weakness of the privately-owned press, for the most part, was that while
ready to provide a platform for criticism of the draft it was not prepared to take on a
broader and more neutral educational and informative role.

Jonathan Moyo misleadingly referred to it throughout as the "Lancaster constitution". Lancaster is a small town in
northern England, Lancaster House is a rather grand mansion in London. It is rather like imagining that Chinsho?
street, Harare, was in Chinsho?

Historically translated as "Boer", its connotation is roughly similar to calling a black person "kaffir".

"Or: 'I can't imagine that black people can refuse the land to which they are tied by their umbilical cord.'"
"A point that President Mugabe acknowledged in his broadcast to the nation after the referendum result was
announced. He referred to 'the Lancaster House constitution as amended'"
In a sense the news coverage of the constitution and the referendum campaign was business as usual for the Zimbabwe media. The MMPZ has already documented the generally low standards of reporting of political issues in the media, especially that section of it funded out of public money and under direct or indirect government control.  

Radio had perhaps the most noticeable bias in its sources of all the media. Between 3 January and 14 February in 153 stories on the constitution on Radios 1 and 3, the National Constitutional Assembly, the political opposition and the pco were only cited a total of 11 times between them. On Radios 2 and 4 there were 104 stories and the same three sources were cited 18 times. But the NCA and the opposition were only cited once each. On Radios 1 and 3, those campaigning for the Constitutional Commission draft were quoted 151 times, while those campaigning against were cited just five times. On Radios 2 and 4 the same figures were 100, as against two.

The language of news reporting throughout the public media was constantly weighted in favour of the draft and against its opponents. Often this bias was obvious, as in the constant repetition of the phrase "the new democratic constitution" to describe the draft. At other times it was more subtle, as in the following excerpt from a typical news report in The Herald ("Referendum results won't be out today", 14 February 2000):

"The draft also seeks to put to rest the contentious land issue by giving Government the right to acquire land for resettlement without paying compensation, except for improvements on the holdings.

This was a central contention of the Yes campaign, but it was not established fact. Even the government acknowledged that it did not need the new draft in order to proceed with its land programme (see The Herald of the following day, for example). The idea that the passing of the draft would "put to rest" the land issue, irrespective of whether it was the right step, was simply wishful thinking.

Supporters of the draft have been urging people vote "yes" because the proposed supreme law gives them sovereignty and the opportunity to break away from the colonial past.
Again, this was the claim of the Yes campaign, not established fact. The addition of the words “they were arguing that” plus “because” would change the sense entirely.

Opponents of the proposed constitution were arguing that the president would still have too much power and that the draft ignored the wishes of the people.

And here are those words “were arguing that”, used quite properly, but applied, of course, to the draft’s opponents.

The reporting of Amnesty International’s press release on the draft constitution was an unhappy indication of how polarized the public and private press had become. The Zimbabwe Independent and the Financial Gazette articles “Amnesty expresses draft constitution loopholes” and “World rights body urges major changes to draft” respectively, emphasized Amnesty International’s recommendations for major changes in the draft. The Herald and The Chronicle (3 February) highlighted the positive introduction to the report in articles headlined “Draft constitution represents major human rights improvements” and “Amnesty lauds draft constitution” respectively. Here is what Amnesty International itself said:

Amnesty International concludes that the draft constitution represents major human rights improvements compared to the present constitution — particularly with regards to women’s rights. However, it believes that there are still a number of discrepancies between Zimbabwe’s human rights obligations under international law and the current draft of the constitution.

Among the improvements needed to bring the draft into line with international law were the following:

- that Zimbabwe’s international treaty obligations prevail in conflicts with national law;
- that the death penalty is abolished;
- that evidence elicited through torture is not admissible in court;
- that corporal punishment for children is prohibited;
- that an individual is not discriminated against because of his/her sexual orientation;
- that the right to appeal judicial decisions is guaranteed unconditionally;

In some respects this is a step forward. In 1996, after the publication of a critical Amnesty International report on Zimbabwe, The Herald waged a vicious and unethical campaign against not only the organisation, which can probably look after itself, but against Zimbabwean human rights activism alleged to have been in contact with it, a number of whom were detained without trial under colonial emergency powers. President Mugabe, a former Amnesty-adopted prisoner of conscience, described the organisation as “Amnesty Lies International” — a refrain willingly echoed in the government-controlled media.

- that children under the age of 18 are protected from recruitment into the armed forces. 17

An impartial observer would conclude that the reports of the private press were certainly closer to the spirit of Amnesty International’s statement.

It was most unusual to encounter a neutral report on ZBC about those campaigning against the CC draft. A rare example was on the 8:00 pm television news on 13 January, which carried a ZIANA white copy (i.e. no pictures) report of the NCA’s Welshman Ncube stating that his organization’s draft constitution would be out in mid-January. But there was no follow-up.

By contrast, one group of stakeholders had their concerns constantly reflected in the state media: the war veterans. On 11 January, for example, the ZTV 8:00 pm news covered the demonstration by some war veterans who were saying land should not be compulsorily acquired. In a follow up on the 14 January 7.00 am news, Minister Mnangagwa reassured the demonstrating war veterans that their concerns would be considered. He said ZANU(PF) was equally concerned about the section in the draft constitution concerning land redistribution. But on 16 January during Insight Minister Kangai was asked to comment on the government’s position on compensation and replied, “We would like to be fair. We would look at the development of the land... and compensate the farmers.” Also that evening it was reported that the war veterans were requesting a postponement of the referendum to address the land issue first. By contrast, the High Court application by two former Constitutional Commissioners for the referendum to be postponed was not reported until the court rejected it.

News reports largely accepted the agenda set by the Yes campaign, which regarded the land issue as the principal one at stake in the referendum. Much energy

16 In some respects this is a step forward. In 1996, after the publication of a critical Amnesty International report on Zimbabwe, The Herald waged a vicious and unethical campaign against not only the organisation, which can probably look after itself, but against Zimbabwean human rights activism alleged to have been in contact with it, a number of whom were detained without trial under colonial emergency powers. President Mugabe, a former Amnesty-adopted prisoner of conscience, described the organisation as “Amnesty Lies International” — a refrain willingly echoed in the government-controlled media.

was expanded on denouncing the alleged failure of the British former colonial power to finance land resettlement. Yet, the British High Commission was never once quoted or asked to comment on ZBC or Zimpapers stating the position of the British Government. The BHC was finally cited on 18 February (Nhau/Indaba ZTV), after the referendum, when the High Commissioner Peter Longworth was quoted expressing satisfaction with the way the referendum was conducted. This report only found its way into the main news 2 days later.

Government and CC representatives made frequent reference to the funding of the NCA and political opposition (who are described as “donor-funded” and hence subject to an alien political agenda):

[Minister John Nkomo] castigated those calling for a No vote, and added that these were being funded by foreigners who could not teach Zimbabweans on how to be democratic. By voting Yes, Cde Nkomo said, the people would have rejected the British imposed Lancaster House constitution, which limited the country’s independence."

Similarly, on the 8.00 pm television news on 15 January, Foreign Minister Stan Mudenge attacked some non-governmental organizations that he said were being used by external governments to work against the draft constitution. No examples were given and no substantiation provided.

Yet the Constitutional Commission also received donor funds. MMAPZ found no evidence of it being described in the public media as “donor-funded” and there was certainly no suggestion that its political agenda was in any way determined by any external source of funding. Of course, it also received taxpayers’ money. It is unclear which of these were the source of funding for the massively expensive series of advertisements and documentaries in the media during the referendum campaign. And the government media’s opposition to the involvement of foreigners did not, however, extend to those who endorsed the draft. ZTV on 9 December interviewed the United Nations Development Programme resident representative who expressed his approval of the draft (7.00 am and 8.00 pm).

The ZBC was capable of balanced reporting on occasions. The first item on the 8.00 pm television news on 20 January was a report of the CC outreach programmes in Bulawayo. The reporter stated that even though there was a large attendance at the meeting, not everyone was in favour of the draft. One student attending the meeting said to camera:

Student: This constitution really looks suspicious because you are trying to convince us that you are right. Why do you have to convince us that it’s right? Anybody can see that I’m dressed neatly today, I don’t need to be told that I’m dressed neatly. So if your constitution is alright and whatever you don’t need to convince us that it’s alright...

At another venue one speaker spoke about the presidential powers;

Speaker: …how can you say that the Prime Minister has powers yet he is appointed by the same president?

In response to this Commissioner Ben Hlatshwayo explained

"A Prime Minister must be a leader of a party or a coalition that commands a majority in the lower house.

The reporter did not point out that this was irrelevant to the question raised by the speaker.

The ZBC did occasionally voice criticisms of the draft. On Nhau/Indaba and the 8.00 pm television news of 25 January, there were reports of criticisms by the heads of some Christian denominations. They said that the status of abortion, euthanasia and homosexuality were not clear in the draft constitution. They also argued that a No vote did not mean going back to the Lancaster House Constitution.

However, this was immediately followed by a wholly one-sided report of Professor Moyo responding to NCA criticisms — that had not been reported on television in the first place. He was responding to “charges by the NCA that the exercise legitimises ZANU-PF and President Mugabe had tampered with the constitution making process.” Professor Moyo said there had been no amendment done: "Changes were merely corrections of factual matter and grammatical changes." The reporter did not ask the professor if the changes to the land clause were mere grammatical corrections. The report was three minutes long, Professor Moyo spoke for 2 minutes, 10 seconds.

On occasions misreporting in the public media verged on the dangerously irresponsible. One example was the ZBC’s reporting of an incident at the Harare Girls High School on 7 February, where NCA and MDC supporters allegedly disrupted a CC meeting, forcing
it to be abandoned. A reporter interviewed Professor Mayo for Nhau/Inkaba and the 8.00 pm English news bulletin on 8 February.

Reporter: Why are you sure that it was NCA and MDC elements, what evidence have you got?

Mayo: Well, because as everyone who was at the meeting could see, the cheerleaders for this disruptive group which by and large seemed to have made up a rented crowd were well-known NCA/MDC activists like Grace Kwinjek–I suppose that's the name...

The ZBC also sought the reaction of the MDC’s Nomore Sibande, who would not comment since he had not been at the meeting and had no knowledge of it. But the fact was that the seemingly ubiquitous Professor Mayo was not at the meeting either. It would have been elementary to seek interviews with eyewitnesses who, after all, cannot have been hard to find.

An even more serious ethical lapse was Zimpapers’ and ZBC’s reporting of the supposed threats of violence from the No campaign during the vote itself. A report in The Herald of 11 February quoted Police Commissioner Augustine Chihuri threatening to take "strict action" against those who threaten violence. It was claimed that more than 20 people had already been arrested “two of whom are senior members” of the MDC.

The report continued thus:

He singled out the MDC and the NCA as the main perpetrators of political violence, saying they had evidence that the two organisations had implemented a “master-plan of acts of violence, intimidation, destruction of property and even murder.”

Police are still investigating a murder incident which occurred in Harare recently.

Contra Commissioner Chihuri’s statement quoted here, there was no allegation that they had used violence, an inconsistency not pointed out by The Herald.

The report makes one reference (in paragraph 15) to the involvement of ZANU(PF) in violence: “clashes between MDC and ZANU(PF) supporters”. Nowhere does it refer to well-documented instances of attacks by ZANU(PF) supporters on the opposition or Novot campaigners.

A statutory right of reply is sometimes advocated as a solution to seriously inaccurate reporting. As a general rule, freedom of expression activists do not favour this solution, since it can stifle rather than promote vigorous debate and exploration of the issues. However, in a situation such as a referendum (or election) campaign where relatively weak opposition forces are pitted against extremely powerful government ones -- with the latter in control of the public media -- then there is a serious argument in favour of

Statements that we intend to use the Act to violate human rights are crazy and childish because we have no intention to do so whosoever.

We will only deal with people who are engaged in violent activity...

Whether, on the basis of this statement, Commissioner Chihuri is fit to hold office is not MDP's concern. We are concerned with the sloppy and uncritical reporting. This is especially reprehensible given the potentially violent consequences of inaccurate statements in the public media. The Herald accepts uncritically that the Commissioner has evidence of the NCA/MDC "master plan". This plan allegedly includes murder. Following paragraphs refer to a murder under investigation -- but no reasonable inference is that this was committed by the MDC or NCA. Yet in the Daily News of February 1st, it was reported that Senior Assistant Commissioner Emmanuel Chimwando had publicly stated that the death of 21-year-old Traino Tindzi on 22 January was the result of a hit and run accident -- it was not a political murder at all. The Herald which had originally reported the "murder" on January 25th, was either unpardonably sloppily, or deliberately suppressed this fact.

The next paragraph (aside from a schoolboy howler over the meaning of the word refutes) is a rejection of unattributed statements. MDP is not aware of anyone alleging that LOMA would be used to stop people voting, rather the question was that it would hamper the No campaign. (These non-statements are labelled "childish and crazy" and "craziness and childishness", just in case the message did not get across.) In the event, of course, nine NCA members were indeed arrested and detained for 48 hours under LOMA. Contrary to Commissioner Chihuri’s statement quoted here, there was no allegation that they had used violence, an inconsistency not pointed out by The Herald.

He refused to give suggestions that the force would use the Law and Order (Maintenance) Act to violate human rights and prevent people from voting, saying such suggestions were childish and crazy.

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* The ZBC refused even to report their arrest (aside from a press conference question to Commissioner Chihuri) until their appearance in court two days later.
a limited right of reply. An Indian court was asked to rule on just such an issue and concluded:

fairness demanded that both viewpoints were placed before its readers, however limited be their number, to enable them to draw their own conclusions. 39

An amendment to the Electoral Act along these lines might give serious pause to the more unscrupulous propagandists who abuse the Zimbabwean people's media.

By contrast, the ethical and professional standards of the private media were considerably more advanced. A statistical review of the performance of the Daily News shows that its arrival has made an important difference to the daily newspaper scene. In its referendum coverage it quoted 15 voices from the government/CC/ZANU(PF) side, compared with 12 for NCA/MDC/ZUZU - a reasonable balance. It also gave more space to the voice of the ordinary people than any other newspaper - the papers reflected in 29 per cent of its articles.

The private weeklies were primarily of value for the space that they gave to alternative views of the draft rather than as news sources, although in that area too they are more professional than Zimpapers or the ZBC. But there was the occasional lapse. On 30 January the Standard ran a front-page lead headlined "Draft printed ahead of report", claiming that the draft had been typeset before the CC completed its information-gathering exercise. The article quoted an unnamed official at the Government Printers.

Lovemore Mudhuku of the NCA, an unnamed lawyer and constitutional expert Andre Tharashrugus. The CC was not quoted. The paper subsequently retracted the story and issued an apology, while the acting editor resigned. 21 On the day of publication, ZBC aired a denial from the CC's Jonathan Moyo. It would appear that the Standard's story was inaccurate and unprofessional. But it is interesting to compare the wounded response of officialdom - criminal charges against the journalists and rapid rebuttal through the pro-government media - with the persistent failure to correct inaccurate reporting of the activities of the anti-draft campaigners.

4.1. Reporting the people's views

Opinion polls are a new phenomenon in Zimbabwe, but they are well known elsewhere and pose particular problems for the news media. Some countries impose partial or total bans on the publication of poll findings, because of the danger that they can influence voting behaviour. Properly reported polling can enrich political debate, while poor reporting can lead to dangerous misperceptions.

An accurate and ethical media report of an opinion poll will answer the following questions:

- Who conducted the poll? Are they reputable and independent?
- How many people were interviewed?

21 But this was not before Attorney General Chinamosa had announced that he would institute criminal defamation proceedings against the paper. Sure enough, publisher, editor and reporter were arrested on 23 February and charged, even though no individual commissioner was defamed. Compare this, for example, with the same officials' reaction over the Constitutional Commission's advertisement in which two named individuals are described as belonging to a "dark past" when "they were kings and queens": ironically, criminal defamation is a piece of low - antiquated and colonial - that belongs firmly in that "dark past" that Mr Chinamosa professes to abhor.
How were they chosen?

Are the published results based upon the answers of all those interviewed?

When was the poll conducted?

How were the interviews conducted – in person, by telephone, in writing?

What is the sampling error?

What questions were asked – and how were they worded? In what order were they asked?

How do the results of this poll compare with other findings?

The purpose of most of these questions is self-evident. It is important to know that the polling organization was an independent body, not one of the parties to the referendum. The number of people interviewed and the method of choosing them clearly has a major bearing on the credibility of the poll’s findings. Any poll that is based upon interviewees selecting themselves – volunteering to give their views – is hardly worth the paper it is written on. Telephone surveys, however randomly the interviewees are chosen, can only reflect the views of telephone users. For useful political purposes in Zimbabwe, an opinion poll would have to use random sampling techniques. The “sampling error” simply means the potential margin of inaccuracy of the poll. The timing of the poll is important because people’s opinions shift in the course of the campaign.

And, of crucial importance, what questions were asked? A responsible media report will reproduce the questions asked. Those should not be leading questions – that is, they should not lead the respondent to give one particular answer – nor should they be couched in loaded language. The sequence of questions may also lead respondents towards giving a particular answer, which is why the media should report all the questions asked of respondents.

All these qualifications lead many journalists – and others – to be deeply sceptical of opinion polls. Yet they can be surprisingly accurate. It is reckoned that a sample of 1,000 can accurately reflect the views of more than 200 million US adults, to within a 3% percentage points. Indeed, one poll conducted during the Zimbabwe referendum campaign, predicted the results with a fair degree of accuracy (Daily News, 11 February 2000).

The media reported two opinion polls of different types during the referendum campaign. On 8 January, The Herald ran a report of a survey conducted by the National Scientific Survey, which was “aimed at complementing the findings of the Constitutional Commission’s out-reach programme”.

It described the National Scientific Survey as comprising experts from the University of Zimbabwe, National University of Science and Technology, Africa University, Salus University, Gweru Teachers’ College and the Central Statistical Office. The article suggested that the survey was commissioned by the Constitutional Commission, but it was not clearly stated whether the National Scientific Survey was a permanent entity or an ad hoc arrangement for the purposes of this one piece of research. The National Scientific Survey was cited as stating that “people’s responses were not clear”. The article gave insufficient detail about the responses to the survey for the reader to determine whether this was a fair interpretation.

Most of the article was devoted to Professor Jonathan Moyo’s interpretation of the results. He was at pains to explain why, even though respondents had stated that they wanted a non-executive president by a majority of nearly 13 percentage points (55.2 compared with 42.5), the Commission had felt that the most faithful interpretation of their views was to have an executive president. The paper offered no alternative interpretation of the survey’s findings, but at least included the raw data that made Professor Moyo’s contention questionable. Subsequent reports accepted his interpretation uncritically:

“...A survey conducted afterwards concluded that the draft had captured the views of the majority of the people who gave their views to the commission.”

In television reports, the survey was described as “an independent study carried out by a consortium of researchers”, although it appears that they were in fact contracted to the Constitutional Commission. However, on 7 January 8 p.m. ZTV news, the reporter did challenge Professor Moyo on his interpretation of the survey’s findings:

Reporter: We understand that in the independent survey 55 per cent of the people were advocating for a non-executive President and this is not in the draft constitution. Would you explain that?

Moyo: Yes it is true... Now when you are writing a constitution, you do not write it simply disfranchising what some minorities might wish at the expense of what minorities especially a significant minority of 45 per cent...

The reporter did not follow the question up – nor point out that the Professor had just added 2.5 percentage points to his “significant minority”.

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12 “Commission interprets the results of nationwide survey”, The Herald, 8 January 2000.
13 If, as seems likely, this was one of the main factors determining how people voted, then the final referendum result, which corresponded fairly closely to the National Scientific Survey findings, was not surprising.
THE VOTE AND AFTER

The 8.00 pm television news on the first day of voting, 12 February, laid heavy emphasis on the allegedly racial aspect of the poll. The reporter in the top report of the bulletin said that this was the first time there was such enthusiasm for voting on the part of whites. The reporter interviewed white voters and asked them whether they had been driven to the polling station by their white employers (yes) and whether they had been told how to vote. The report was broadcast to the second question and the clear implication, without substantiation, was that white people were trying to influence their domestic workers to vote No. Deputy Minister Tony Gara took up the theme, stating that “black people should wake up between today and tomorrow because they are being used by the whites”. Later in the same bulletin, an item on a press conference by Registrar General Mudeke contained the allegation that some white farmers were preventing their workers from voting. Again no examples were cited, nor any other evidence presented. Nor was there any comment on the apparent inconsistency with the earlier item, in which whites were being castigated for encouraging their employees to vote.

The following day, Minister Florence Chitauro suggested that a number of white voters in her constituency (Harare Central) were in fact South African nationals. Again, no evidence was cited for this claim, which was not questioned by the reporter.

The Sunday Mail\(^3\) took the view that whites were forcing their employees to vote (rather than preventing them):

White Zimbabweans, known for their apathy towards general elections and internal politics, yesterday turned out in their hundreds to vote in the first plebiscite to be held in independent Zimbabwe.

No evidence is cited to support the claim, repeatedly made from 12 February onwards, that whites had previously been apathetic in elections.\(^7\)

The whites who were voting in the ongoing referendum, which is seen as the major threat to the white community’s stranglehold over the country’s economy especially land, were outnumbering blacks in some of Harare’s northern suburbs.

Whites tend not to form the northern suburbs of Harare.

Not just content with their own numbers, most white householders were coercing their domestic workers to go and vote.

\(^3\) The Daily News had earlier been sharply criticized for publishing the results of its own poll of voting intentions in the forthcoming parliamentary election, which were said to show ZANU (PF) unpopularly. The Herald argued that poll was unreliable and unrepresentative. ZBC also carried a report of a University of Zimbabwe statistician denouncing the poll. The same statistician was quoted in The Herald. The Daily News quoted him saying that he had been misquoted.

\(^7\) Whites ‘forcing’ employees to vote”, 13 February 2000.
The evidence for this serious claim?

According to the presiding officer at Greystone Park Primary School, the ratio of whites to blacks was, on average, three to one.

If whites were coercing their domestic workers, then surely the numbers of blacks voting would be much higher? The talk of “averages” is presumably to give a spurious sense of statistical accuracy – since only one polling station is mentioned, there is nothing to be averaged.

The first five paragraphs of the article have been cited without omission. As an opinion piece this would simply have been risible, but this purported to be news coverage, prominently displayed under the byline “Sunday Mail reporter”. Later in the piece one instance was cited of a domestic worker who claimed that her employer had told her to bring a letter from the polling station certifying that she had voted. The presiding officer would not issue a letter. It was not surprising that the employee was not named in the story. What is more surprising, however, is that the polling station was not identified, nor the presiding officer quoted as confirming her account. The story is therefore unverifiable.

A separate story on the same page, headlined “Vote ‘No’ or otherwise...”, tells of workers at a Harare cotton processing company who had “allegedly been warned by their employer that a ‘No’ vote in the referendum must succeed or they will lose their jobs this week...”. The anonymous “sources at the company” are said to have named the manager who issued the threat. The Sunday Mail names neither the manager nor the company and there is no indication that any attempt was made to seek their version of the story.

The public media failed in their most basic obligation to convey the results in a timely and accurate fashion. On the Monday and Tuesday after the vote, The Herald abandoned its pro-draft headlines of the previous week for studied neutrality: “Referendum results won’t be out today” and “Referendum results announced”. The latter was followed by a story quoting Vice-President Mupfumira as saying that the government’s land reform plans would proceed regardless. The Chronicle and the Daily News reflected the situation more precisely with “No vote leading” and “Majority vote No”, respectively, on 15 February.

The final result became available on the early afternoon of 15 February. While the BBC and CNN were reporting the rejection of the draft to the rest of the world, Zimbabweans had to wait. ZBC radio at 3.00 pm continued to relay constituency results, most of them at this stage reflecting a Yes majority. This included the “just received” Rushinga result, which had in fact appeared in that morning's papers. The ZBC newsroom told the MMP2 that they were unable to broadcast the results because their reporter “has not yet returned from the Mulgwahi Building”.

The most extraordinary (and disturbing) fact about the media's reporting of the referendum results is that none got them right, although the Daily News was closer to the correct figures than its rival, The Herald. The Chronicle did not bother to print a final list. The Herald (16 February) in its table of the results printed the Rushinga and Shamba figures twice (in each case the Yes vote was resoundingly). Hatfield and Marondera West constituencies, where the Yes vote lost, were respectively omitted. Guvure North was printed as a No vote in the Herald and a Yes vote in the Daily News. The Wedza No vote varied by a factor of ten between the two Harare-based dailies. The total of No vote constituencies printed in The Herald was 63. However, the newspaper went on to announce in its front-page lead that a majority (63) constituencies had voted in favour of the new constitution, while 57 constituencies had voted against. The error was compounded in the editor's comment. It would appear from the figures given by the Registrar-General that 62 constituencies voted No and 58 Yes. The Zimbabwe Mirror's editorial comment also assumed a majority Yes in the constituency count.

...the possible outcome of the next general elections can be easily extrapolated from the results of the poll at the referendum. More than 50% of the constituencies (63 out of 120) and 6 out 10 provinces voted in the affirmative and obviously constitute a base upon which ZANU (PF) is likely to improve in the next few weeks.

Despite the fact that the people voted No, the main source of comment on the result in the publicly funded media was those who had campaigned for a Yes vote. Of the 46 referendum results reports monitored on ZBC radio, 46% of the voices were from ZANU (PF) and the Constitutional Commission. The NCA was only quoted twice. Television had 34 post-referendum stories, with 23 (64%) of the voices belonging to ZANU (PF) officials. The NCA was quoted only once on ZBC television news bulletins. The CNN post-referendum report was cut in its retransmission on AM Zimbabwe on 15 February. The BBC referendum story was aired uncut on Joy TV the previous evening.

Alternative voices also remained limited in Zimpapers with ZANU (PF) and CC (47 percent) dominating the post-referendum comments. NCA voices constituted 4 per cent. The explanation for the No vote in most of the public media continued to reflect the government line. The exception was the Moniker Press, whose leader “Why majority voted No” cited failure to address people's concerns, lack of clarity on the land issue and separation of powers, and the lack of time given to people to study the document. The rest of the publicly funded media came up with a variety of other reasons:

- ZANU (PF) did not campaign seriously for a Yes vote.
- Opposition parties and white farmers politicized the issue and confused people.
- The influence of white ex-Rhodeans who travelled from South Africa to vote.

* BBC coverage was far from exemplary. For much of 12 February, BBC World ran a story stating the draft constitution would allow Pres. Mugabe to remain in power for as long as he chose – in fact that is true of the existing constitution, but not the draft.
CONCLUSION

Whether one's personal choice in the referendum was Yes or No, there is something very heartening in the result. Despite the efforts of the government and the Constitutional Commission to argue that No indicated a neo-colonial, sell-out mentality, a majority of those Zimbabweans who voted made up their minds for themselves. They rejected the patronising — yes, and racist — assumption that anyone who disagreed with the government must be manipulated from beyond the country's borders by evil white people. It was an assumption that provided a strange echo of the racist colonial propaganda during the Pearce Commission of 1972 and the 1980 independence election — both of which resulted in a resounding victory for the people over the state propaganda machine. So people made their own choice and the enormous propaganda effort proved to be a massive waste of money. Indeed, it may have even been counter-productive. Remember the student who challenged Commissioner Hlothwayo in Bulawayo:

"This constitution really looks suspicious because you are trying to convince us that you are right. Why do you have to convince us that it is right? Nobody can see that I'm dressed neatly today. I don't need to be told that I'm dressed neatly. So if your constitution is alright and whatever you don't need to convince us that it's alright..."

The effort reached its crescendo while the voting itself was taking place on 12 and 13 February. If this last-minute propaganda had any influence it may have been negative. Fair-minded people would have been repelled by the fact that nine No campaigners were arrested (and locked up for 48 hours) for allegedly having a loud hailer outside a polling station, while the Yes campaign could pump its message into every home with a radio or television. Voters would have been insulted — and had their intelligence insulted too — by the repeated suggestion that the result was being skewed by tens of thousands of South African infiltrators. The intention, presumably, was a desperate last minute attempt to mobilise the dormant Yes supporters. Anyone who retains a faith in the

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"Complicity caused triumph of no vote, says Chimutengwende" (The Herald, 19 February) and "Chimutengwende on referendum" (Sunday News, 20 February) quoted the Information Minister claiming that lack of education on the draft, and underestimation of Rhodesian neo-colonial and retrogressive forces had resulted in the rejection of the draft. The same view was extensively broadcast on radio and television (19 February, 8 pm bulletins). The Sunday Mail made similar claims in its comment "Draft victim of political expediency."

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"The No vote was a protest against economic hardships and people were not aware of the contents of the draft. Whites voted No because they do not want to lose their land. Whites forced farm workers and domestic workers to vote No."

For example, the ZTV 8.00 pm news bulletin on 15 February gave Jonathan Mayo seven minutes to repeat his claim that large numbers of people had crossed the border from South Africa to vote against the draft. The reporter did not challenge this statement — for example, by pointing out that Beitbridge voted overwhelmingly in favour of the draft (or indeed that Mayo is a professor at the University of the Witwatersrand). Mayo also stated that if the counting had been constituency-based the Yes vote would have won. Aside from the fact that this was untrue (see above) it made no sense, since the same Professor Mayo had been at pains to point out in the preceding weeks that this vote was not an election. ("So many people have tried to give the false impression that this is about changing the government." — AM Zimbabwe, 10 February.) The reporter did not question him on this point.

On SABC the same day, Professor Mayo stated that the largest No votes were in Harare and Bulawayo and that "the majority of those were white people". The No votes in Bulawayo and Harare totalled 317,593. The white population in the entire country does not exceed 75,000, of whom not more than 50,000 could conceivably be eligible voters. Thirty-five thousand would be a more realistic estimate.

By the following Sunday, Professor Mayo had scaled down his estimate of the number of whites voting, although it was still wildly exaggerated:

...the 100,000 or so whites who voted in the referendum did so to maintain their control over the land, while blacks were led to believe that the constitution was meant to entrench the rule of President Mugabe and ZANU (PF)."
decent and common sense of the average Zimbabwean will guess that if it had any effect it would have been just the opposite.

So the first lesson from the media coverage of the constitution and referendum is a salutary reminder that the media are not as powerful and influential as they think they are. But that is not the end of the story.

An exercise in democracy is thoroughly imperfect if voters are not properly informed about what they are voting on. Part of the responsibility for this lies with the two camps, Yes and No — or looking forward to the parliamentary elections, the government and the opposition parties. We as media monitors — or as ordinary voters — have little control over that. But responsibility also lies with the media. The media in a democracy are an essential mechanism for ensuring that the electorate can exercise its vote in an informed manner. That is their function, their responsibility and their duty — doubly so when they are funded out of the public purse. This goes beyond the mere exercise of freedom of expression on the media’s part — important as that is — and touches upon the very substance of democracy and accountable government. The conclusion we have drawn from our monitoring is that, taken as a whole, the media failed dismally in their obligation to inform voters what they were voting about.

Unlike the pundits from both camps, we do not pretend to know what was in people’s minds when they cast their vote. Was it land? The fuel shortages? The economy? The powers of the president? The government’s record? Or the governance of future generations? Who can tell? A much safer conclusion is the one that we draw from our research: whatever moved people to vote the way they did, if they depended upon the media then they were extremely ill-informed. Some Zimbabweans will have read one of the five million copies of the CC draft (not the amended draft that was voted on). But not many. Even fewer will have seen the amended draft on the government web site. So, to the extent that people voted on the draft and not according to some other factor, they will have done so on the basis of information in the media. And that information was lamentably inaccurate and biased.

The main burden of this indictment is on the publicly funded media. The privately owned media were, for the most part, highly partisan, usually against the draft. But this they are entitled to be, since they are only spending their owners’ money. The owners of the public media, by contrast, are the public themselves. If the referendum achieved nothing else, it was to show how out of tune are the ZBC and Zimpapers with their supposed masters, the people of Zimbabwe. It was these two organizations, the public broadcaster and the national newspaper publisher, who had the main obligation to provide impartial and accurate information on the draft constitution. They fell so far short of this duty that calls for their root-and-branch reform are now unavoidable. Indeed, were it not for the private press, Zimbabweans would know next to nothing about the constitutional issue. Even though the private press has a relatively small direct audience, it plays a vital role in setting the agenda of national debate.

MNPZ believes that these conclusions have long-term implications for the organization and accountability of the media in Zimbabwe. But they also lead to urgent, short-term imperatives with a parliamentary election looming. This report ends with two sets of recommendations. The first is drawn directly from our report A Duty to Inform: the public media in Zimbabwe, which was a four-month study of ZBC and Zimpapers news and current affairs coverage in 1999. The second set is drawn from our monitoring of the constitutional debate and referendum issue and relates specifically to the conduct of the forthcoming elections. We believe that these issues are a matter of the utmost national priority.

Recommendations 1 — the ZBC and Zimpapers
- The Constitution should include explicit guarantees of media freedom and freedom of information. It should state that any publicly-funded media must be independent of the government of the day and that there can be no restriction on privately owned media, except as is necessary for the equitable allocation of the frequency spectrum.
  The Constitution should create an independently-appointed Independent Communications Authority, answerable to Parliament, to regulate broadcasting and telecommunications.
- The Government should introduce a new Communications Bill at the earliest possible opportunity. The main features of this Bill should be:
  - Legalization of privately owned broadcasting stations;
  - Creation of an Independent Communications Authority to licence public, private and community broadcasters, to regulate the sector and to receive and investigate complaints from the public against any broadcaster, public or private.
  - Formulation of a public service mandate for the ZBC.
  - Establishment of a process for the independent appointment of the ZBC Board.
  - Establishment of the office of Director General of the ZBC, appointed by and answerable solely to the Board of the Corporation.
  - Enshrining in law the editorial independence of the ZBC.
- In the short term the launch of commercial broadcasting might be achieved by the sale of one or more of ZBC’s radio and television channels.
- A Freedom of Information Act should be enacted as a matter of priority.

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* The Mirror, the private paper that most strenuously defended the draft, is, in the popular phrase, "donor-funded."
The trust deed of the Mass Media Trust should be reviewed and amended as necessary to ensure that the Ministry of Information has no power to intervene in the workings and activities of the trust. The Government should give a public assurance that Zimbabwe Newspapers and the Mass Media Trust are independent and free of external interference or intervention, whether editorial, financial or of any other nature.

Government and parastatal advertising should be allocated on purely commercial criteria, and not to favour any particular publication or broadcaster.

The ZBC needs to undertake a training programme, preferably in conjunction with an institution such as the Canadian Broadcasting Corporation with a proven record in public service broadcasting. This should cover, among other items:

- Journalistic ethics
- Writing for broadcasting
- Fundamentals of broadcast journalism
- News management
- Business and economics for journalists
- Election reporting

Recommendations 2 – the elections

- All media should report election news fairly and professionally, clearly distinguishing fact from comment;
- All media that receive public funds – notably the ZBC – must refrain from any partisan editorial comment;
- Paid political advertising in the media should be prohibited;
- The ZBC must screen, free of charge, direct access programmes from political parties on an equitable basis related to their popular support, according to rules developed by the Electoral Supervisory Commission;
- No direct access programming should be broadcast once voting has started;
- All publicly funded media should carry impartial voter education, telling the electorate what the vote is for, as well as who is entitled to vote, how and where.
- All parties should be required to publish audited accounts of their campaign spending. As a gesture of good faith, we urge the CC and NCA to do this for the referendum campaign.
- A limited right of reply should apply for serious inaccuracies published in the publicly-owned media during the election campaign, at the discretion of the ESC.

About the MMPZ

The Media Monitoring Project Zimbabwe (MMPZ) is a joint initiative of three organizations: the Zimbabwe chapter of the Media Institute of Southern Africa (MISA), the Catholic Commission for Justice and Peace in Zimbabwe (CCJZ) and ARTICLE 19, the International Centre Against Censorship, which is based in Johannesburg and London. Its aim is to monitor the Zimbabwean media to determine how far they adhere to international and constitutionally guaranteed standards of freedom of expression, as well as generally accepted professional and ethical standards of journalism. The project has a particular interest in those sections of the media that are financed out of public funds, since these have an obligation to serve the needs of the entire community. However, the privately-owned media are also subject to scrutiny.

The MMPZ began operations in January 1999, monitoring all news and current affairs coverage in the publicly-owned media — the Zimbabwe Broadcasting Corporation and Zimbabwe Newspapers (1980) Ltd. From June 1999 it extended full monitoring to the private media. From the beginning of January 2000 until after the referendum the MMPZ's work focused almost exclusively on coverage of the constitutional debate and the referendum. The project intends to have a similar focus on the forthcoming parliamentary elections. The MMPZ publishes weekly and monthly reports of its findings, which are available free of charge by e-mail or in hard copy. This is the MMPZ's second special report. The first, A Duty to Inform: a report on Zimbabwe's publicly-owned media January - May 1999, covers the first four months of monitoring during 1999.

The monitoring team currently consists of a co-ordinator, six full-time monitors and a data processor. Most of the monitors and the data processor have a postgraduate qualification in Media Studies from the University of Zimbabwe. MMPZ is independent of any political party or other interest group. None of the employees of the project is permitted to hold office in any political party or campaigning organization.

The aims and objectives of the MMPZ are as follows:

The mission of the Media Monitoring Project Zimbabwe Trust is to monitor the media in Zimbabwe to determine how far they conform to international and constitutionally guaranteed standards of freedom of expression and freedom of information, as well as to generally accepted professional and ethical standards of journalism.
Activities of the Media Monitoring Project Zimbabwe

- Monitoring and analysing the content and presentation of news, current affairs and public information on radio and television and in the print media.
- Monitoring the role of media in elections, including balance and fairness in news and current affairs, accuracy and impartiality in voter education and equity in political advertising and direct access.
- Conducting commissioned research on behalf of public or private bodies, where this is consistent with the mission of the Trust.
- Informing the public and appropriate decision-makers about its findings, including publishing these in the media and conducting public campaigns in freedom of expression and freedom of information issues.
- Initiating litigation and campaigning for the reform of laws restricting media freedom.

Aims of the Media Monitoring Project Zimbabwe

- Securing the structural, financial and editorial independence of the publicly-funded media from the government of the day.
- Developing an awareness of the public's right to balanced and impartial information particularly through those media that are wholly or partially financed with public funds.
- Sensitising media practitioners to their role in presenting balanced and impartial information.
- Developing an awareness of media practitioners' rights of access to information.
- Developing professional standards of ethics, standards and accuracy in all media in Zimbabwe.
- Promoting well-researched, investigative and informative news coverage of all issues of public interest and concern, drawing upon a wide variety of sources, as well as educational and informative current affairs or features coverage.