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## **Civil Society Coalitions as Pathways to PSB reform in Southern Africa**

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### **ABSTRACT**

Democracy requires open public service broadcasting (PSB) institutions that constantly interact with active informed citizens. This article posits that a more proactive network of civil society across Southern Africa can produce impact on PSB institutions in these countries enhancing reform and accountability to the public. We enter this topic by identifying pathways towards increased cooperation among public service broadcasters (PSBs), civil society coalitions and other stakeholders in South Africa and Zimbabwe. The main focus is on the interaction between broadcasters, policy makers and civil society groups, namely SOS: Support Public Broadcasting in South Africa (SOS) and the Media Alliance of Zimbabwe (MAZ), two leading media activist organisations in Southern Africa. The engagement by such networks can deepen public interest and reconnect PSB institutions and PSB staff to the PSB mandate and mission. Civil society coalitions working collaboratively with PSB will engender a context within which a collaboratively defined PSB mission, institutional structure, and programme outcomes are constantly foregrounded in the operations and performance of the broadcasters.

Keywords: PSB reform, African broadcasting, African Civil Society, participatory policymaking, civic coalitions

### **Introduction**

Public service broadcasting (PSB) policy reform works better if it reflects the interests of all stakeholders in the public broadcasting policy arena. Good governance in public service must be premised on transparency and accountability. Both these are attainable if citizens have space to participate in governance. In this article we argue that PSB reforms can achieve much more democratic impact if a participatory approach to PSB policy negotiation is followed. In our view, such broad-based, participatory policy-making can be achieved through genuine collaboration among public service broadcasters (PSBs), civil society organisations (CSOs) and governmental policy-makers. Outlining how the CSOs can offer a pathway to participatory policy negotiation

is the key focus of this article. We argue for increased cooperation among PSBs, CSOs and other stakeholders in South Africa and Zimbabwe. For us, such cooperation is necessary at local, national and regional level. This argument is in line with the conclusions reached by a 2013 survey of PSB in 11 African countries, including South Africa and Zimbabwe. The survey, conducted by a coalition of media advocacy bodies and practitioners, concluded amongst others that, while there is broad consensus that independent PSB in Africa is indispensable for democratisation, broadcasting reform efforts in these countries are generally sluggish due to a lack of political will and lethargy of civil society (Bussiek, Minnie, Mwesige, and Tabuwe 2013). It was found that the transformation by appropriate legislation of state into public broadcasters will not suffice to make them independent media. Rather, a reform of media-related legislation in general is needed in tandem with broadcasting reform. Hence, calls to reform PSB include regulatory, financial and technological aspects. It was therefore recommended that further research be undertaken to respond to legislative challenges towards transforming public broadcasters in Africa. Specifically, the survey recommended that further research be undertaken in three areas relating to (1) PSB structure and governance; (2) training of PSB staff and management and finally, (3) a more engaged civil society (ibid:2, 6). In this article we respond to the latter by outlining how a more engaged civil society within the Southern African context can respond to legislative and policy challenges for Southern African PSBs.

This article makes a case for seizing collaboration opportunities between CSOs as a pathway to genuine PSB reform in South Africa and Zimbabwe. It argues that enhanced cooperation among civil society groups and other PSB stakeholders in and between South Africa and Zimbabwe could potentially increase public participation in and ownership of PSB in these contexts. The regional study cited above specifically recommended that civil society should take a more active interest in monitoring the operations of the public broadcaster and engage in advocacy to ensure that African PSBs meet their public service obligations. In particular, more awareness was needed among all stakeholders on the principle and ethos of PSB in African contexts. We will argue here that the extent to which PSB reform in South Africa and Zimbabwe will be encouraged or inhibited depends on genuine interaction between PSBs and their Southern African publics.

The main research questions this article seeks to address are:

- What is the role of civil society and other PSB users in the processes of PSB reform?
- What are the challenges and key contingencies of successful enactment of this role?
- How can a more inclusive participatory approach be engendered towards media policy negotiation and implementation in the public interest?

Unless the ideas and perspectives of PSB publics are transmitted to the broadcasting and political arena, we cannot talk about the power of people. And unless PSBs have a clear-cut strategy for how to engage with the information, knowledge and relations developed as outcomes of interactions with their publics, the pathways to democratic PSB reform will be limited. We posit that a more proactive civil society across Southern Africa can also directly engage PSB institutions in these countries to be more accountable to the public through empowering these public institutions to consistently sensitize their staff to a collectively agreed upon PSB mandate and mission. We enter this topic by exploring coalition building and cooperation as evident in the interaction between PSB broadcasters, policy makers and the civil society groups SOS: Support Public Broadcasting (SOS) in South Africa and the Media Alliance of Zimbabwe (MAZ), two prominent media activist organisations in Southern Africa. In this respect, both authors participated in the 2013 Midrand Call to Action which is a good example of civic society coalitions for PSB reform. The event had the support of the Pan African Parliament - who in fact hosted the conference in Midrand, South Africa and managed to bring together continental stakeholders as well as donor agencies from the Northern hemisphere. As both authors participated in the event, they can attest to the perception that, while the deliberations were progressive, one can say that apart from a few notable exceptions, the experts from the North framed and dominated the policy conception phase. African stakeholders were largely included at the operationalisation stage and as implementers. Unlike this experience, in this article we argue for more inclusive collaboration whereby all stakeholders have a voice in PSB reform. The inclusion of civil society groups in PSB at the strategic policy level brings together the key stakeholders in a more meaningful manner. This, we believe, will engender a PSB reform context within which a collaboratively defined PSB mission, institutional structure, and programme outcomes are consistently foregrounded in the operations and content of PSB institutions. Crucially, it will open avenues for increased public participation and free expression which may influence a new thinking among all stakeholders, including policy-makers in

government, business, research institutions and development agencies. Situating the debate in this way paves the way for understanding the transformative potential of participation within PSB as an alternative framework to be rationalized and understood.

From the case studies below, it can be seen how the two selected CSOs, employing some of the techniques highlighted above, have to some extent succeeded in holding PSBs in South Africa and Zimbabwe to account. They have largely achieved this through establishing and taking to heart civic alliances and transdisciplinary networks as will be illustrated below. Civic coalitions ought not to pay lip-service to collective and participatory decision-making particularly in contexts with intricate postcolonial political and institutional setups. Below we unpack the background context as well as the ways in which SOS and MAZ engage in coalition building and participatory decision-making towards policy reform in South Africa and Zimbabwe.

### **Civil Society Organisation Participation in Southern African PSB**

The role of civil society in African contexts could focus on how to make these contexts better equipped to engage the public towards holding public officials accountable and consolidating democracy. Yet, CSOs operating in under-resourced and under-developed contexts - such as rural areas in Zimbabwe and South Africa - do not always have access to mainstream or even community media to help amplify their voice. If CSOs remain coalition-less, their ability to drive change in and for their affected constituents will be greatly diminished. Our work with and research of CSOs in South Africa and Zimbabwe uncovered that economic, technical and legal expertise is unevenly distributed among them, especially among small and poorly resourced CSOs. Lack of skills in any of these critical areas could be an additional deterrent to a CSOs ability to fully participate in PSB reform. The question of who participates and what biases exist in the participation process are increasingly significant for PSB reform. The level of participation determines the potential impact of any CSO. Dalton's (2017) insights on the participation gap - which explicates how participation is unequally meaningful for different social groups in democracies - is of relevance here. This, it could be argued, results in different public policy outcomes that impacts the lived conditions of ordinary citizens in ways that do not necessarily add value for the marginalised in even the most sophisticated democracies. In Africa poverty and

numerous social distinctions exacerbates the participation gap. We therefore argue for a more nuanced approach to collaboration within and across CSOs who could be more resourced, more empowered and emboldened to exercise their right to participate in deliberative policy-making for PSB reform in Southern Africa. A networked civil society can potentially act as an important counterweight to rogue PSBs and other powerful actors in the market. They can provide an infrastructure for collective action and assist in informing publics about their rights and shaping public discourse and debate.

CSOs in Southern African contexts can be an important link between public interest policies and meaningful change in relation to PSB. However, for CSOs in this context to be more effective in terms of contributing towards policy-making, media monitoring and shifting the priorities of PSBs, they need to acquire civic skills and be legally astute. The civic voluntarism model, developed by Verba, Lehman Schlozman, and Brady (1995), identifies three kinds of civic skills that are crucial for CSOs to collaborate effectively: resource-based skills (pooling of time and money); communication skills (speaking with friends or family about political issues, making presentations or speaking publicly, letter-writing or other forms of contacting public officials); and organizational and civic skills (such as forming committees, leading meetings, attending meetings and seeking political information). We perceive such a civic role can be achieved via robust civic alliances and transdisciplinary networks. Civic society coalitions are formed when “...various CSOs including Non-Governmental Organisations (NGOs), people’s movements, community based organisations (CBOs), activists, unions, plus researchers, lawyers and journalists” come together to shape policy, engage in policy negotiations and ensure that policy is implemented (Barnes, Van Laerhoven & Driessen 2016: 162). This, in our view, creates a broad alliance which has an unusual blend of talent and skills to drive PSB reform. In many Southern African societies, it is such broad based CSOs that can help increase citizen activism towards democratic change, especially in the broadcasting sector.

Looking at the contexts of South Africa and Zimbabwe, their shared but slightly different historical trajectories have shaped social movements across the duration of both countries’ long struggle for freedom and equality for all. In spite of social, and initially political, differences, the freedom struggles in both countries have included various forms of civil society coalitions and media activism. In the 1970s and 1980s in particular, South Africa witnessed militant and

powerful community-based movements, which used a wide range of tactics to delegitimize the local government (Sinwell 2011). Where media is concerned, South African civil society has an established history of engaging government over issues threatening media independence. In 1990 for example, under the banner of the Campaign for Open Media (COM), over a thousand South Africans mobilised around broadcasting matters in a march towards the SABC meant to thwart an undemocratic restructuring of the South African broadcasting space. The COM was later replaced by the Campaign for Independent Broadcasting (CIB), consisting of an alliance of trade unions, civic organisations, cultural and political formations, academics, journalists and media practitioners who fought for the establishment of an independent regulatory authority to regulate broadcasting as a whole. Today, this space is filled by amongst others the SOS Coalition and the Right-to-Know Campaign. Zimbabwe has an equally long history of media activism, first during the liberation war against the Rhodesian white minority regime and later against the government of Robert Mugabe, whose checkered democratic rule lasted from 1980 until 2017. In 2013, for example, Zimbabwe's Combined Harare Residents' Association (CHRA) mobilised listeners and viewers against ZBC's forced payment "for very poor or non-existent services or for a product that they are being asked to consume against their will and which commodity they may, after all, not consume at all because it is not palatable" (Samukange 2013: n.pag). This is typical of civic activism that has over the years grown against poor service from ZBC. Today, this space is filled by the MAZ and its extended coalition. While apartheid South Africa and post-independent Zimbabwe under the rule of Robert Mugabe both clamped down on civic freedoms - including the formation of CSOs and activism towards media freedom and freedom of expression - both contexts are also in theory increasingly reforming the spaces for participatory governance between government and civil society. It therefore makes sense to look at South Africa and Zimbabwe in the context of emerging collaboration and enhanced impact from national, regional and international actors.

From the case studies below, it can be seen how the two selected CSOs, employing some of the techniques highlighted above, have to some extent succeeded in holding PSBs in South Africa and Zimbabwe to account. They have largely achieved this through establishing and taking to heart civic alliances and transdisciplinary networks, as will be illustrated below. Civic coalitions ought not to pay lip-service to collective and participatory decision-making, particularly in contexts with intricate postcolonial political and institutional setups. Below we unpack the

background context as well as the ways in which SOS and MAZ engage in coalition building and participatory decision-making towards policy reform in South Africa and Zimbabwe. The unpacking of the case studies below is based on our ongoing research on PSB and CSOs in Southern Africa. For this article, we followed a qualitative approach engaging news reports, public documents, interviews and participant-observation.

### **SOS: Support Public Broadcasting**

The existing regulatory framework for broadcasting in South Africa was a direct product of popular mobilizations and pressures of the transition period (Sparks, 2009; Tomaselli & Teer-Tomaselli, 2008; Louw, 1993) which resulted in the Broadcasting Act of 1999, which has since undergone a series of amendments brought about by continued CSO monitoring of the South African broadcasting space. These changes have however not resulted in a reformed South African Broadcasting Corporation (SABC) that can withstand the test of time and as a result, the Save our SABC: Reclaiming our Public Broadcaster Coalition entered the South African public sphere in June 2008 to deal with a multitude of crises that was unfolding and continue to unfold at the SABC. The Coalition, which was later rebranded as SOS: Support Public Broadcasting (SOS), is hosted by Media Monitoring Africa (MMA), who also acts as its fiscal agent. In a 2014 interview with Kate Skinner, SOS founding member and its first National Coordinator, she noted that SOS came into being in 2008 as a short-term campaign that was supposed to last for a few months only:

The 2007 SABC Board needed to be removed because of political interference by the President. However, we have learnt that civil society will always be required to keep the public broadcaster accountable, transparent and independent. The instability from 2007 has not abated. There is a sense that the SABC will always be contested...this is a long term and ongoing project (Personal Interview with Kate Skinner, 2014)

As a result, what was meant to be a short-term campaign, evolved into a membership based single-issue coalition representing unions, non-governmental organisations, CBOs, community media, independent film and TV production sector organisations; academics, freedom of expression activists and concerned individuals. In civil society, coalition connotes a group effort or a population of people coming together who believe strongly in a particular cause or set of causes (Barnes C., Van Laerhoven F. & Driessen P.P.J., 2016). The concept also describes

alliances between CSOs, such as labor unions, community organizations and religious institutions that come together to achieve common goals, in this case PSB reform. At the outset, for example, the SOS coalition included such notable organisations as the Congress of South African Trade Unions (COSATU), The Freedom of Expression Institute (FXI), The National Consumer Forum, the Federation of Unions of South Africa (FEDUSA) and the Treatment Action Campaign (TAC). Individual members included amongst others the late activist and freedom fighter Jeanette Minnie, the late journalist and freedom of expression activist Raymond Louw, and broadcasting lawyer and academic at the University of Witwatersrand, Justine Limpitlaw (in her private capacity). In their tribute to Jeannette Minnie upon her passing in 2016, the SOS notes that

At the SOS launch meeting in June 2008 she shared her experiences as an activist in the early 1990s. She talked about the power of collective action and the power of building civil society coalitions across political perspectives and across different groupings including unions, NGOs, academics and individual activists. She was a leading member of the Campaign for Open Media and the Campaign for Independent Broadcasting active in the 1990s. The SOS Coalition drew inspiration from these powerful, transformative campaigns (SOS 2016: n.pag)

This commitment to coalitions and alliances remain a strong focus of the organisation. At the most recent Annual General Meeting of the SOS (November 2019), 11 organisations and an additional 11 individuals renewed their membership to the Coalition.

The Coalition aims towards creating a public broadcasting system dedicated to the broadcasting of quality, diverse, citizen-orientated public programming committed to deepening South Africa's Constitution, particularly the Bill of Rights and socio-economic rights. Specifically, they focus on strengthening the SABC (and of late, also community radio and TV). Their current efforts are geared in particular towards ensuring that new comprehensive legislation is drafted for the SABC (and community media) that ensures their effective governance and funding (SOS: Support Public Broadcasting 2019a: n.pag). At its inception in 2008, the Coalition called for:

- An assessment of the root causes of problems plaguing the SABC;
- A comprehensive review of the White Paper on Broadcasting (developed more than 10 years ago) in order to, amongst other things, assess the effectiveness of policies and

evaluate its relevance given the changes to the broadcasting environment due to convergence, digital migration and so on; and

- Flowing from the policy review, the promulgation of a comprehensive new SABC Act to replace the current Broadcasting Act, 1999 (Save our SABC: Reclaiming our Public Broadcaster 2009: n.pag)

In 2018, their Vision Document was revised to reflect the gradual shift towards a broader systems' level approach to reform PSB. The idea was to situate the SABC within the media ecology of South Africa. During discussions for the revisions, it became clear that there is a continued need to attend to the above bullet points, as the issues they were meant to address remained unresolved (Personal observation by second author of this article). Originally the organisation had a very specific focus on the institution of the South African Broadcasting Corporation (SABC), but they have now shifted towards a wider focus on the role of all three tiers of broadcasting in the country, including public, community and commercial (SOS: Support Public Broadcasting 2019b). The shift in focus reflects a soft version of Fourie's (2005) suggestion that PSB in South Africa, be perceived as more of a genre rather than an institution. While the SOS is not advocating for the removal of PSB as an institution, they are now advocating for community broadcasting with a public-interest, citizenship role at the local level. In addition, the Coalition is calling for commercial broadcasters to be required, through their licence conditions, to play a public interest role (albeit a much more limited one than that played by the public broadcaster and community broadcasters). In this respect, commercial broadcasters should, among other aspects, be required to provide news, meet some language requirements and local programming quotas. As can be seen below the SOS often plays a watchdog role over the SABC and the broader broadcasting environment, monitoring both the PSB institution and government as well as litigating to ensure public interest values and the right to communicate is upheld.

### *SOS Activism*

Since its inception, the SOS Coalition have tenuously fought government's attempts to take over the SABC. They do so through press statements, media advocacy and court cases. Between 2008 and 2019, they have for example taken government to court on a number of issues, winning several important cases in 2017 and 2018, two of which will be highlighted here:

- The first centers on the November 2018 judgement in the SABC- Multichoice deal
- The second pertains to an October 2017 ruling that affirmed the independence of the SABC Board

These cases are used here to illustrate the Coalition's efforts at holding the government and the SABC to account. A brief outline of the SOS Coalition's involvement in each is presented below, followed by some thoughts on the meanings of coalitions and alliances in relation to the SOS. It is not our intention to outline the detailed specifics of each case, but rather to ascertain the ways in which the SOS relied on its coalition members or entered into alliances with other interested parties to impact upon PSB policy and the regulatory framework for PSB in South Africa. The very brief outline below relies on news reports, the SOS's public documents and participant-observation by one of the authors who was a working group member of the SOS during the periods under purview. She is also an elected board member since 2017 and was re-elected to the board at the 2019 Annual General Meeting of the SOS Coalition.

The first of the SOS case studies concerns the controversial July 2013 contract between the SABC, South Africa's public service broadcaster; and Multichoice, Africa's largest pay television operator. In terms of the R550 million agreement, Multichoice was given the right to broadcast the SABC's 24-hour news channel and an entertainment channel, SABC Encore. At the time both SOS and MMA (its coalition partner and host organisation) raised concerns about the constitutional legality of the contract, noting that it may work against the SABC's public service mandate. In 2015 it was then alleged that as part of the deal the SABC undertook to back MultiChoice's position on digital migration, which was that set-top boxes to convert the digital signal to analogue after migration would not be encrypted. Before the deal, the SABC was a staunch supporter of encryption. Hlaudi Motsoneng, then Chief Operating Officer (COO) of the SABC, was awarded an R11m "bonus" for negotiating the contract (Kgosana 2018). The SOS: Support Public Broadcasting, MMA as well as Caxton Publishers joined forces in an effort to have the South African Competition's Tribunal investigate if the contract constitutes a notifiable merger. Caxton Publishers is one of South Africa's largest print media companies with its newspaper division alone responsible for 88 titles. It also publishes 15 magazine titles. While Caxton Publishers is not a coalition member of SOS, it did form an alliance with the coalition on this particular issue. In December 2013, *City Press* newspaper reported that the former SABC

board was handed the MultiChoice-SABC deal as a *fait accompli* (Gedye 2015). It alleged that according to SABC board minutes leaked to *City Press* at the time, the contract was handled by the then communications minister Dina Pule, then SABC group CEO Lulama Mokhobo and Ben Ngubane, then SABC board chairperson (ibid). In his affidavit lodged with the tribunal, Caxton's CEO, Terrence -Moolman, argued that, through the agreement, MultiChoice has "acquired control" over the SABC's TV broadcasting policy as well as its programme archives:

Until it concluded the agreement with MultiChoice, the SABC supported the delivery of DTT signals to South African viewers on the basis that these signals would be encrypted ... The SABC has, as a result of concluding the agreement with MultiChoice, aligned itself with MultiChoice by departing from that position...The transfer of control of this asset to MultiChoice confers a competitive advantage on an overwhelmingly dominant rival (Gedye, 2015: n.pag).

As argued in Moolman's affidavit, the problem with this, from both a policy and competition framework, is that the agreement has vested MultiChoice with the ability to materially influence a fundamental aspect of the SABC's television broadcasting business, which MMA's William Bird noted was definitely in contravention of the SABC's public interest mandate (ibid). In 2018, after a years-long battle - which included a stint at the South African Constitutional Court - the Competition Commission has ruled in favor of SOS, MMA and Caxton, declaring that the channel distribution agreement between the SABC and MultiChoice signed in 2013 does indeed constitute a notifiable merger (Kgosana 2018). The Commission instructed the public broadcaster and Multichoice to register the transaction as a merger, failing which they will be in violation of competition laws.

In the second case study, a much more complicated case, involving the independence of the SABC Board was brought to the court by SOS and two of its coalition members. In 2014, the then Minister of Communications, Faith Muthambi, unilaterally amended the Memorandum of Incorporation (MOI), thereby conferring upon her office the power to appoint, suspend and dismiss the public service broadcaster's Group Chief Executive Officer (GCEO), Chief Financial Officer (CFO) and Chief Operations Officer (COO), as well as over the SABC board more generally.

The amendment to the MOI came after the SOS had already launched an application in 2014 in the North Gauteng High Court against the SABC and the minister over the manner in which the CEO, CFO and COO were appointed. In 2015, SOS, its host organisation and coalition partner, MMA and coalition partner, the Freedom of Expression Institute, lodged a case which sought specifically to challenge the role and power of the South African Minister of Communications in appointing members of the SABC Board and in the removal of senior executives. SOS coalition member, the Right2Know Campaign, joined the case as a “friend” of the court. In addition, SOS coalition member, the South African Screen Federation (SASFED), supported the SOS court action in an open letter to the Minister of Communications. Thandie Smith, Head of Policy at MMA and chairperson of the SOS Board, writes that:

The first case, which is referred to as ‘SABC 1’ concerned the lawfulness of the powers vested in the minister under SABC’s Memorandum of Incorporation (MOI) and SABC Charter in respect of the appointment, discipline and suspension of the three executive directors of the SABC, being the GCEO, COO and CFO. The central issue in dispute was whether the powers vested in the minister undermined the independence of the SABC, which SOS, MMA and FXI contend is required by the right to freedom of expression (including the freedom of the media) under S16 of the Constitution...The second case, called ‘SABC 2’, concerned the power of the minister to remove all of the directors of the SABC board, including the non-executive directors. The issue at the centre of this case was whether section 71 of the Companies Act may be applied in the removal of directors of the SABC, or whether the procedures under sections 15 and 15A of the Broadcasting Act should be followed. (Smith 2018: n.pag).

As it turned out, and in favour of the SOS coalition’s position, the case was a significant victory for the independence of the SABC Board as the Court found the powers that the Minister afforded her office to be unconstitutional. In essence, Judge Elias Matojane declared several clauses of the amended MOI and the SABC charter in respect to the appointment, discipline and suspension of the public service broadcaster’s three executive directors – GCEO, CFO and COO – inconsistent with the Broadcasting Act and thus invalid. Crucially, the court ruled that the powers vested in the Minister undermined the independence of the SABC:

in her engagement with the board, the minister represents ... the sole shareholder of the SABC – the Government of the Republic of South Africa. It is Parliament, not the minister, that represents the public interest and performs an oversight role on behalf of the public. (De Vos 2018: n.pag)

In terms of the judgment therefore, the SABC Board controls the affairs of the public broadcaster and as such, executive members of the board are to be appointed solely by the non-executive members of the Board and without any requirement of approval by the Minister. It was also ruled that the board can now, without the prior approval of the Minister, institute disciplinary proceedings against the GCEO, CFO or COO, as well as suspend them if need be. The court found, among other things, that “the amendments to MOI in September 2014 by Minister Muthambi entrenched the minister’s power over the GCEO, CFO and COO, as well as over the SABC board more generally” (ibid). In the judgement, which upheld the SOS Coalition’s position, the court noted that while the Broadcasting Act was silent on the appointment of the executive directors, certain sections of the amended MOI of the SABC and the Board charter were not consistent with the Broadcasting Act, hence the court ruled that section 71 of the Companies Act which deals with the removal of directors of the SABC, “... cannot be construed as applying to the SABC because the Broadcasting Act prevails over the Companies Act as it was specifically enacted to govern the operations of the SABC” (Smith 2018: n.pag). As will be seen below, a similar situation arose in Zimbabwe around the Companies Act and the incorporation of the Zimbabwe Broadcasting Corporation. The ruling issued by the Zimbabwean Constitutional Court rejected the idea that it was a business and confirmed the public interest mandate of the ZBC in much the same way as happened in the South African case study above. Interestingly, whereas in South Africa, civil society coalitions fought to have the MOI amendments declared unlawful in relation to the public service broadcaster, in Zimbabwe, it was members of the public that questioned the public service role of the ZBC light if the Zimbabwean Companies Act.

It is our contention that the SOS Coalition has played a pivotal role in addressing PSB reform in South Africa and remains to exist as a critical force in defending and upholding PSB independence from business and politics alike. We argue that the above cases illustrate the detrimental impacts that media capture can have on the governance and operations of a PSB

institution. More importantly, they illustrate the necessity for CSOs to be well versed in the regulatory and policy frameworks that govern broadcasting in a specific country. Fortunately the SOS coalition constitutes varied experience and knowledge, including legal oversight on the key PSB processes and they have up until now been sufficiently funded to ensure their ability to enforce accountability for broadcasting in the public interest. This position might change in future, given the changing funding and civil society environment for PSB advocacy.

The above illustrates a conscious and purposive coming together of key organisations to collaborate on reforming broadcasting. The civic formation was able to unpack the intricacies in the SABC-Multichoice deal, itself an example of media capture by other means. It is also illustrative of what can happen if PSB management, state actors and the PSB board are not themselves fully vested in the legal framework for PSB and do not fully comprehend what public interest and public value might mean in the context of PSB. What is at stake in this circumstance is the ability of Southern African PSB institutions to fulfil their public interest mandate and to operate free from political-economic interference. While the Multichoice deal for example exemplifies economic/business capture of the SABC, the Board Independence case study illustrates the intricacies of political capture and the resultant necessity of strategic CSO partnerships and coalitions. The case rested on a very detailed understanding of what at first glance appeared to be quite disparate policies and legal frameworks for the operations and governance of State Owned Corporations. While the SOS' legal subcommittee did a stellar job in unpacking the issues and highlighting the points of contention, the organisation was still reliant on the power of group pressure on the one hand and assistance from legal aides - often working pro bono - to take the minister to task. A similar trajectory of CSO's media advocacy can be seen in Zimbabwe.

### **Media Alliance of Zimbabwe**

Media activism has been gathering momentum in Zimbabwe, particularly in the wake of a protracted "Zimbabwe Crisis" from 2000-2019. The multifaceted crisis has economic, political and social consequences, including restrictions on media and freedoms. The crisis galvanized civil society into action, with many groups protesting against violation of media and human rights. "In response, the government adopted a 'shock and awe' communication policy designed to forestall

dissent, mediated or otherwise” (Chuma 2018: 2391). As in the 1980s and 1990s, the ZBC remained monopolised by the state in spite of charging licence fees and operating in a regulatory and policy framework which ostensibly legislates a PSB mandate. The ZBC functions more like a state broadcaster than a PSB, while the state controlled broadcasting context also succeeded in keeping out other players (Mano 2016). Newly introduced laws such as the Access to Information and Protection of Privacy Act (2002), the Public Order and Security Act (2002) and the Broadcasting Services Act (BSA) (2001) attempted to address the grievances from the public but, as will be discussed below, these measures did not go far enough in terms of democratising the public sphere. While the new act opened up the broadcasting space, it also at the same time solidified the government’s hold on the ZBC and placed control of the type of broadcasters and broadcasting that would be allowed firmly under the auspices of the information ministry. Similar to the South African case study discussed above, the BSA gives undue powers to the Minister of Information to control and impose impossible conditions on broadcasters. Some state officials in Zimbabwe are well aware of the impact of the failing policies in the PSB space. This comes through in a surprisingly frank personal interview with Hon Kindness Paradza, a member of parliament representing the ruling ZANU PF party who at the time of the interview was also a member of the Parliamentary Portfolio on Information, Media and Broadcasting Services, he noted that the Zimbabwe Broadcasting Corporation [hereafter ZBC] faces many challenges, among these, it lacks

input from the public or anybody apart from those who run ... the programmes at ZBC, they give us what they want us to see or hear...[in fact, the ZBC is not yet a] true public broadcaster”, it operates like a “state broadcaster, a mouthpiece only answerable to the Minister (Personal Interview with Hon. Kindness Paradza, 19 August 2014).

Paradza added that rural Zimbabweans were among the most poorly served, both in terms of signal reach and representation within programmes. ZBC, in his view, does not serve the public, it serves vested interests and lacks accountability:

...They follow ministers and ignore the input of the public...Here in Zimbabwe it is about the Minister of Information who has entire power over the entire process. It’s owned by parliament but captured by the Minister even though as a PSB it no longer receives funds from the state (ibid).

The ZBC's dismal performance as a public service broadcaster has had a detrimental impact on its programming schedule and content. This has not gone unnoticed and hence backlash from the public continues unabated. Many Zimbabweans are especially protesting against its role as a public service given the poor quality of its service and some even took the broadcaster to court, preferring not to pay the obligatory licence fees. The dissatisfaction with ZBC has over the years given rise to media activism that seeks to protect and promote the communication rights and interests of disadvantaged publics.

Against the backdrop of sliding media freedoms and discontent with the lack of change in Zimbabwean broadcasting space as outlined above, the Media Alliance of Zimbabwe (MAZ) was formally established in 2012 as an activist civil society coalition advocating for media freedom and broadcasting in the public interest. Its strategy was to establish a wide front that agitates for change and includes bodies such as Media Monitoring Zimbabwe (MMPZ), the Zimbabwe Association of Community Radio Stations (ZACRAS) and MISA-Zimbabwe, part of 11-country chapters of the Media Institute of Southern Africa (MISA), a regional media reform non-governmental organisation established in 1992. In addition, the Zimbabwe Union of Journalists (ZUJ); Zimbabwe National Editors' Forum (ZINEF); Gender and Media Connect (GMC); the Media Centre; the Zimbabwe Association of Community Radio Stations (ZACRAS); the Voluntary Media Council of Zimbabwe (VMCZ); the African Community Publishing Development Trust (ACPDT) all form part of the alliance. These organisations are prominent for their media activism, with many especially advocating for opening up of the broadcasting space. In spite of many organisations advocating for broadcasting reform, these organisations were not necessarily aligned in terms of what media reform should look like. There were, for example, no shared understanding of what a reformed broadcasting space should look like to ensure a thriving PSB operating in the public interest (Chuma 2018).

We argue that increased emphasis on advocacy requires pooling of competencies from CSO partnerships in a directed manner as working at cross-purposes could be detrimental to media reform. For example, in May 2009, after the establishment of the 2008 Government of National Unity (GNU), an All Stakeholder Conference for Media Reform was convened by the GNU's Ministry of Information and Publicity. An academic account of the problems at the Stakeholder

Conference underscores what happens when CSOs lack coordination and pooling of resources: “As the proceedings of Day One drifted toward the end, it became clear that there was never going to be a common position on media reform among the ‘stakeholders’” (Chuma 2018: 2396). The agendas of CSOs were divided and vested interests sought to manipulate and widen divisions. The absence of a shared framework for media reform evident during this two-day conference, had a lasting impact on broadcasting reform in Zimbabwe. More than anything, it revealed bias and capture of the process by vested interests. For example, the 2009 conference resulted in the establishment of the not so independent broadcasting regulator, i.e. the Broadcasting Authority of Zimbabwe (BAZ), in terms of the Broadcasting Services Act (2001). While this change seems perfect in theory - even resulting in the granting of new radio and television licenses, many commentators note that the so-called independent regulator remains captured by vested political interests. The 2009 scenario illustrates clearly how the role of CSOs become limited if there is no shared values or principles guiding the process. The lack of shared understanding of definitions and principles to guide media reform can be considered disempowering. This lacuna in terms of CSO networking and alliance building was filled with the emergence of MAZ.

### *MAZ Activism*

MAZ’s activism for media reform in Zimbabwe was in response to changes in the political environment in Zimbabwe, with increased reform opportunities after the 2008 GNU and the new constitution of 2013. Motivated by political transitions, MAZ stepped into the space to foster media reform. Even though it informally existed from as far back as June 2007 as a loose and less focused media advocacy body, the *formal* establishment of MAZ as an “alliance or network of media associations” in Zimbabwe was in 2012. The idea behind formalising the Alliance was that it could potentially achieve a more focused strategy for the CSOs. They wanted increased momentum that comes with uniting their “impact in terms of joint local and international advocacy about the media crisis in the country and media policy reforms” (MAZ 2018). It describes its role as strategic coordination based on wide consultations on the Zimbabwe “media crisis” and working out relevant strategies of support that “could be used for maximum results” (MAZ 2018). In May 2018 MAZ strategy emphasised “combining forces”, conducting regular reviews, using findings from conference reports, programme documents and resolutions, prioritizing strategic thinking and action: “Beneficiary organizations to this strategy were also extensively consulted through a series

of meetings as well as through receiving written and verbal comment on the draft of this document”. As an alliance of media support organisations, MAZ “serves as a key locus for strategy discussions among Zimbabwean organizations” (ibid.). Since 2012 MAZ’s approach to media reform has involved annual stakeholder meetings which bring together members of its coalition with representatives from government, political parties, journalists, and non-governmental organisations, among others.

From its inception MAZ has campaigned for broadcasting reform in Zimbabwe. To illustrate how MAZ engages in coalition building for broadcasting reform, we first use the example of MISA-Zimbabwe, which has sought to promote and advocate for broadcasting which is free, independent, diverse and pluralistic. MISA-Zimbabwe and other CSOs within the MAZ initiative advocate for PSB reform by acting as watchdogs, lobbying for change of broadcasting laws, monitoring the media and producing independent research. Sometimes this is done directly through initiating legal action or campaigning in the public interest, sometimes it is done indirectly through commentary, press releases and analysis of the Zimbabwean broadcasting and media landscape.

MAZ alliance partner, MISA-Zimbabwe, for example, provided leadership in articulating the significance of a ruling in a court case dating back to 2012, the same year MAZ was formed. This case was brought by two applicants, Bernard Wekare (a private citizen) and Musangano Lodge (a business), who challenged the legitimacy of paying licence fees to ZBC. The gist of their argument rested on an interpretation that, in terms of the Zimbabwean Companies Act, the ZBC is constituted as a private company, rather than a public broadcaster. The applicants had argued that the ZBC as a private company had an unfair financial advantage over other competitors in the business of providing broadcasting services. In its 2016 ruling on the case, the constitutional court ruling upheld the PSB role of the ZBC, noting, among other views:

There is no doubt that the ZBC is a “public broadcaster” incorporated to carry out the functions of providing public broadcasting services. The primary purpose for the creation of a public broadcaster is to ensure that there is a balanced and consistent presentation to the public of a variety of ideas and information on diverse matters of public concern. The communication is made through programmes broadcast on television and radio in

accordance with the public's collective right of access to such ideas and information (MISA-Zimbabwe, 2016: n.pag).

While the Concourt reaffirmed the public service role of the ZBC, its performance until then and since, has not been consistent with such an official PSB mandate. In this respect, MAZ alliance partner, MISA-Zimbabwe often provides valuable insights into the PSB mandate, through its analysis of court judgements related to PSB and media reform. MISA Zimbabwe is one of 11 chapters of the Media Institute of Southern Africa, which promotes and defends media freedom and freedom of expression across the Southern Africa Development Community (SADC) region. In their analysis of the above Concourt ruling, they underlined the fact that “The matter at hand...is not whether ZBC covers or does not cover opposition party activities, but that when it does, its coverage is biased” (MISA, 2016). MISA- Zimbabwe also noted,

When juxtaposed against the constitutional court's observation, the broadcaster would therefore require massive transformation that should be anchored on a revised broadcasting law in order to insulate it from continued political abuse and reposition it as a true public broadcaster (Ibid) .

In addition, they argued that the governance of ZBC “is politically compromised and lacks full public participation”. They also used the court judgment to campaign for the ZBC to comply with the findings of its “complaints unit in order to inspire public confidence in the use of the complaints mechanism to address the broadcaster's shortcomings”. MISA-Zimbabwe's analysis of the ruling combined with their formal campaign for the ZBC to consider their listeners and viewers, solidifies their role as a key voice in MAZ that leads in the sphere of PSB reform. From the above it can be seen how they strategically used the judgement to reinforce and review the purpose, mandate, independence, governance and public complaints mechanism that ZBC is supposed to adhere to as a PSB.

In the wake of the Concourt ruling and in its role as a coalition, MAZ continues to call for the transformation of ZBC into a truly independent public broadcaster that adheres to the constitution. This role has included sustained efforts by MAZ members, partners and other individuals who take the ZBC to task with backing from MAZ. Their constant campaigns and collaborative action arguably forced the Zimbabwe government to relinquish state monopoly over public broadcasting

by introducing commercial and community radio stations such as StarFM and ZiFM after 2009. However, this turned out to be a half victory as the licensing process did not include television and also favoured radio ownership by those who are sympathetic to the ruling ZANU PF party. Before MAZ got involved, the broadcasting space was tightly regulated to include only sycophants of the ruling party. MAZ's consistent campaigning for the opening up of the broadcasting space clearly yielded results, even if the reform did not go far enough. Part of the persisting problem is not only that the licencing context remains restrictive and captured but also how the control has resulted in biased news and current affairs programmes which especially undermine ZBC's ability to perform an impartial role in election coverage. This state of affairs has been a contentious issue throughout Zimbabwe's post-independence period and continues to propel civil society towards collaborative collective action strategy. A case in point would be the court challenge against ZBC's coverage of the 2018 national elections.

In May 2018, the ZBC and the state-owned ZimPapers's coverage of politics was challenged by groups who claimed in their filing affidavit's that the broadcaster and newspapers were biased in favour of Zanu PF. In presenting their case to the High Court of Zimbabwe, the plaintives presented as evidence research on election coverage conducted by MAZ through its coalition partner MMPZ. In his 19 June 2019 ruling, the judge cited the veracity of the MMPZ research noting that:

Among other things, the analysis by Media Monitors is quite scientific. They compared like with like. It has balance. It is objective. The Electoral Act, in s 160K(3), permits anyone other than the ZMC to monitor news media and to report on their conduct during an election period. On the other hand, the ZBC's Annexure J is largely meaningless. It conceals more than it reveals. It does not compare anything with anything. All it does is to list the names of some opposition political parties and the dates on which something said by their spokespersons was aired. This does not prove anything, especially when compared to the applicants' data that analyses, under the different subjects, the coverage of all political parties and the editorial slant of the public media (*Veritas v ZBC, ZEC, ZMC*. BAZJudgment (2019). HMA/23/19/Case No. HC230/18, pp-16-17)

In this case the judge upheld the MMPZ research provided by the plaintives as credible evidence of the public service broadcaster's bias in electoral coverage. Broadcasting clearly remains captured by one political party. Sharing principles and common public service goals allowed the joint media advocacy to have an impact in court. Clearly MAZ has emerged as a formidable alliance for joint media advocacy and reform, using local and international civil society partnerships to uphold PSB values. The role of this alliance for media reform is described by Patience Zirima, MAZ's previous chairperson:

Over the years, MAZ has collectively succeeded in advocating for the entrenchment of journalistic and media freedoms within the country's Constitution, lobbied for the opening up of the broadcasting sector, resulting in the entry of new radio stations (Chigundu 2019:n.pag).

Arguably MAZ, has helped call for and shape an alternative media policy framework based on the Constitution and international best practices. The primary role of MAZ's civic collaboration towards PSB reform is located in the broader campaigner to mobilise for Freedom of Expression, Right to Information, Media Freedom and Media Law and Policy Reform.

Even though the partnership has internal challenges and faced arrests, MAZ has evolved a shared strategy based on research, consultation and a review of the work by alliance media advocacy organizations: "This was particularly done to understand the current and topical issues media actors are seized with and are prioritizing as requiring strategic thinking and action upon" (Chigundu 2019). Equally significant were the 2013 Media Stakeholders' Conference whose theme was "Zimbabwe's Media, the Next five years: Democratisation and Expansion" and the Media Stakeholders Conference of 2014 whose objective was to analyze the prevailing media and political context in Zimbabwe as well as to identify the major strategies required to adequately respond to the issues in the media sector. The steps taken by MAZ in building its alliance, among other things, demonstrates the significance of adapting to the realities in the context. This was evident at the 2019 MAZ media stakeholders conference when in response to MAZ's request for more transparency in transforming the media sector, Nick Mangwana, the Permanent Secretary in Zimbabwe's Ministry of Information, Publicity and Broadcasting Services, noted that

I think honestly, my ministry is making strenuous efforts to ensure reforms in the media are implemented but it's a process and I think you (stakeholders) should be patient. We have been engaging with you time and again and this surely should be applauded, (Muranganwa 2019:n.pag).

The main contention was how PSB reforms, including the licensing of community radio stations, was without a clear policy framework given that the Broadcasting Service Act (2001) which is still in use is in serious need of overhaul. In addition, the conference attendees noted Mr Mangwana's response was evasive as it avoided both specifics and timelines for carrying out reform. As will be seen below, some of these realities include an often hostile state, posing as one receptive towards change and reform.

## **Discussion**

As can be seen above, both SOS: Support Public Broadcasting and Media Alliance of Zimbabwe have a track record of influencing PSB policy. Broadly conceived, this entails that both coalitions explicitly or implicitly influenced laws, policies or regulatory measures in South Africa and Zimbabwe. Yet, it could be argued that in spite of the nuanced and complex ways in which CSO coalitions like SOS and MAZ impact upon media policy in South Africa and Zimbabwe, not enough is known about the roles played by such coalitions. CSOs operating in restrictive media environments are especially inclined to develop loose alliances in their attempts to exert maximum pressure on governments and policymakers. In the case of SOS for example, the reliance on the synergy associated with coalition formation is described by former National Coordinator, Kate Skinner:

...I mean, we wanted grassroots input and we felt the way to do it was to have mass-based organisations such as COSATU and the Treatment Action Campaign and those types of campaigning organisations... we thought that we can't organise, uh, we can have individuals that are excited about our work that would be part of our working group but it would be better for us and more effective to get grassroots through organisation rather than to try to organise individuals all on our own. But we were very mindful of the fact that we had to have a grassroots face and our main aim was to have those grassroots organisations as part of us. And also the other thing which we did in terms of union representation was that we also got FEDUSA, a huge federation of producers as well, I

mean they kind of ... dissipated and disappeared and was less active over time, but the fact is we wanted them as a huge federation of workers and to ... their members through them (Personal interview with Kate Skinner, 2014).

Yet, the situation and space for CSOs in South Africa and Zimbabwe is fraught with suspicions and dangers for any CSO wishing to operate in the open. While the legal framework does not present significant obstacles for CSOs operating in South Africa, section 12(1)(a) of the Regulation of Gatherings Act 205 of 1993 does present a notable obstacle. This dated Act makes the failure to give notice or the giving of inadequate notice by any person who convened a gathering a criminal offence (ICNL 2019). The unscrupulous reliance on regulation 12(1)(a) of this Act presented considerable problems for CSOs operating in post-apartheid South Africa which became more pronounced as the internal battles within the ruling ANC gained momentum. Ben Turok (2018), director of the Institute for African Alternatives, notes that “[m]ost civil society organisations in South Africa experienced extreme frustration under the Zuma administration. The climate of intolerance and dishonesty in the state institutions discouraged formal public activity, leaving militant and disrupting protest as the only recourse at times.” (Turok 2018: n.pag) . On November 19, 2018, the South African Constitutional Court handed down a judgment in which it declared that section 12(1)(a) of the Regulation of Gatherings Act 205 of 1993 was unconstitutional because it “...limits the right entrenched in section 17 of the Constitution, which guarantees that ‘[e]veryone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions’” (ICNL 2019: n.pag). In Zimbabwe, regulations oblige NGOs to register with both the central government in the capital Harare and also with authorities at provincial level. In 2008, at the height of a severe economic and political crisis, NGOs, especially those working in humanitarian and human rights sectors, were banned. The ban was only reversed in 2009 during the coalition government. In both South Africa and Zimbabwe, CSOs funded by so-called Western organisations are branded agents of regime change, wanting to remove the freedoms achieved through the liberation struggle:

In Southern Africa, in Zimbabwe in particular, we don't really care about civil society. Whatever they say we do not really care. We don't even take into consideration what they say. In other words, if they say something which is good the government can choose to do the opposite. Civil society in this country, we do not really listen to it. The problem

with civil society is that it is funded by donors. Whatever they are doing is regime change. Until and unless they want to address the government in a *roundtable* like this, possibly they can be heard (our emphasis of Personal Interview with Paradza, Harare 2015)

The above excerpt from a 2015 interview with the Honorable Kindness Paradza, exemplifies the government's suspicions about CSOs both in terms of the impact they could have on the media-policy landscape in Zimbabwe as well as in relation to *who* is ultimately driving the change. Faced with problems of dealing with the state mistrust and power, SOS and MAZ's strategy centers on coalition-building with a wide front of stakeholders. Both organizations are known to stage roundtable events whereby leading media advocacy bodies are invited to participate and provide input for policy directions. In the case of SOS, SABC staff are often also invited as presenters or attendees. We argue that such stakeholder dialogue has enabled SOS and MAZ to widen their reach in and outside Southern Africa. The article contends that if this strategy of enhanced networking, solidarity and mechanism can be extended transnationally, an additional layer of participatory reflection on broadcasting reform can be added that could also offset the loss of capacity from any one CSO to speak truth to power. Reflections on regional issues and dialogues on media networks will result in a people-centered agenda. By creating a transdisciplinary collaboration of CSOs focused on media reform, SOS and MAZ can be seen as building cognitive surplus, by means of synthesis of existing CSO's time, knowledge, energy and expertise. These initiatives can be the basis for more directed pathways to impact. Joint media advocacy and media freedom policies on both national and regional levels can potentially be more impactful (Mkundu 2019). SOS and MAZ have already shown how CSOs working together enhance transformation of the PSB and entire media sectors on many levels. We argue that strategic transnational cooperation between a selection of transdisciplinary organisations could similarly benefit PSB reform for the region as a whole.

From the SOS and MAZ case studies presented above, it can be ascertained that coalition building is reliant on the one hand on strategic partnerships around issues of common interests after the fact (i.e., at policy implementation phase), but on the other hand, it could benefit from more participatory approaches towards partnerships in the development phase (i.e. influencing

the shaping of media policy in the public interest). This means that media advocacy groups need to align somewhat differently in relation to those whom they seek to hold to account: a less adversarial approach might benefit the media environment if an ecological approach to participatory policy-making is followed. In a forthcoming article we unpack in greater detail what such a model could entail within the Southern African context.

## **Conclusion**

From our foregoing analysis, it can be ascertained that a broad alliance of civil society groups with a pool of skills and resources, employing some of the techniques highlighted above, have to some extent succeeded in holding public broadcasters in South Africa and Zimbabwe to account. The pathway to impact in PSB reform involves leveraging civic alliances and transdisciplinary networks locally, nationally and regionally, as explicated above. Here, we contend that reimagining the relationship between PSBs, civic groups and citizens (sometimes referred to as social contract) could bring new levels of participation and accountability mechanisms, which could in turn render public services more effective and broadly foster more democratic PSBs. From our case studies, it should be clear that impactful engagement is ideally developed through participatory mechanisms that are open, inclusive and empowering. Impact in broadcasting reform arises not only from CSOs' ability to be relevant, but also importantly on their ability to create collaborative pro-reform minded and multi-skilled civic coalitions that can push for reform. The pivotal element is for empowerment of CSOs so that decision making and control of PSB resources is made in the public interest.

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