



FACULTY OF ARTS

DEPARTMENT OF FILM AND THEATRE ARTS STUDIES

DISSERTATION TOPIC

An Investigation into the deregulation of Zimbabwe's media laws and its impact to the development of the film industry

By

SIMON TAFADZWA MAZANO

REG NUMBER R131594T

A dissertation submitted to the Department of Film and Theatre Arts, Midlands State University in partial fulfilment of the requirements for the Bachelor of Arts in Film and Theatre Arts Studies Honours Degree.

OCTOBER 2016

Supervisor DR U. RWAGA

DECLARATION

I declare that this is my own work and effort and it has been submitted anywhere for any award. Where other sources have been used, they have been acknowledged.

Signed Date/.....

SUPERVISOR

CHAIR PERSON

DEDICATION

I dedicate this to all the people that have made this degree possible. More importantly I dedicate this research to my parents and sisters for their undying love and support over the past four years.

ACKNOWLEDGEMENT

Great appreciation to my supervisor, Dr. U. Rwafa, for being patient with me and believing in me, The Ministry of Information and Broadcasting Services for working towards deregulating the current media laws which saves the purpose of this study and Takudzwa Murangidza for being supportive and encouraging throughout this research.

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ABSTRACT

The study is an investigation into the deregulation of Zimbabwe's media laws and its impact to the development of the film industry. Investigating on a deregulated media industry allows the study to reveal how the current media laws are suppressive and restrictive to film making activities in the country. Thus, the study critically explains how laws like the Censorship and Entertainments Act, Access to Information and Protection of Privacy Act, Broadcasting and Service Act and Public Order and Security Act pose challenges to directors, script writers, actors, distributors and produce within the film industry, which has caused under development in Zimbabwe's film industry. The study thus gives reference to countries that have deregulated media industries and how the deregulation has helped the growth of film making in those countries. The investigation is largely guided by theories that focus on the Watch dog role of media and the Audience reception theory. The data presented in the study was obtained through Qualitative and Quantitative research methods in form of interviews, questionnaires, focus groups and internet blogs and document archives. Results brought forward by the research were critically analysed and presented that most people in film making and media favour a deregulated industry. This was driven by the distaste they had for the current media laws as they have suppressed means to which they earn a living from. The study also found out that the laws are unconstitutional and save less to a democratic nation, this gives emphasises to why they should be deregulated. In light of all this, the study concluded that deregulating the current media laws will give life to Zimbabwe's film industry whilst contributing largely to the nation's economy. Recommendations that include consulting film practitioners, deregulating the laws as way of creating employment and saving democratic principles were posed to the government.

ACRONYMS

CEA- Censorship and Entertainments Act

AIPPA- Access to Information and Protection of Publicity Act

BSA- Broadcasting Service Act

POSA- Public Order and Security Act

OSA- Official Secrets Act

LOMA- Law and Order Maintenance Act

MIC- Media Information Commission

MISA- Media Institute of Southern Africa

MPPZ- Media Monitoring Project of Zimbabwe

ZMC- Zimbabwe Media Commission

BAZ- Broadcasting Authority of Zimbabwe

VMCZ- Voluntary Media Council of Zimbabwe

ZBC- Zimbabwe Broadcasting Cooperation

ZANU PF- Zimbabwe African National Union Patriotic Front

MDC- Movement for Democratic Change

CHAPTER ONE

1.1 INTRODUCTION

The current state of the Zimbabwean Film Industry indicates that it has been facing hardships and challenges towards its development. This has been an effect of economic and political turbulences since 1980. These include the drastic economic meltdown being experienced in Zimbabwe characterised by forces of hyperinflation and liquidation. However, of greater effect is the role played by the pro state, unconducive and suppressive media laws like the Censorship and Entertainments Control Act (CEA), Broadcasting Act (BSA), Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (POSA). The laws do not only hinder the constitutional right to freedom of expression but the right to free media. They also prevent a just and fair system of representation in the production of films, at the same time preventing the involvement of private investors who offer capital to broadcasting and film production. The Zimbabwean media laws have thus caused underdevelopment to the Zimbabwe film industry, whilst in other countries such as South Africa, Nigeria, United States of America, Australia, Ghana and Senegal the same film industry has contributed to the creation of thousands of jobs and also contributing largely to the State Reserve through taxation. This has been made possible through the deregulation of pro-state media laws to liberal and conducive commercial media laws.

1.2 BACKGROUND TO THE STUDY

After years of living under a harsh and suppressive environment the black majority took it upon themselves to fight against acts of unjust and colonialism in Rhodesia. Hungwe (1991) brings forward the assertion that heavy and bias media censorship was amongst the unjust practices projected by the white minority rule over the black people. The harsh environment

was however defended by the constitution in which media was heavily censored against the black man. The broadcasting environment was strictly pro state and liberal laws were treated with disgust in Ian Smith's government despite the developments that were being made globally concerning freedom of expression and freedom of media. Such a hostile environment also contributed to an uprising in the form of the Second Chimurenga as blacks also fought to gain freedom of press, Chimhenga and Mpofo(2013) comment that

“During the period 1965-1980 in pre-independent Zimbabwe, one of the main aim of the struggle was for a free press, supported by Zimbabwe Peoples Liberation Army and the Zimbabwe African National Liberation Army which both claimed would repeal several media laws”

Amongst the harsh and suppressive laws was the Official Secrets Act(OSA). The Act suppressed any efforts to report or produce anything against the state despite the will of the majority. Furthermore, the Cinematograph Ordinance Act of 1912 emphasised the extent to which the media was propagandist and harsh towards black film makers. This is because the law suppressed black people from portraying their ideas and opinions about the oppression they were subjected to in Rhodesia. Also the laws indirectly supported the production of fear driving hyena films and black social programming which was narrow in terms of its content and context.

Despite the liberation war efforts that brought about change through the Lancaster House talks, very little attention was given to the reform or the deregulation of the media industry, this automatically placed the freedom of film practitioners, journalist and broadcasting airwaves at risk. However in the early years of independence media enjoyed the euphoria of celebration because media reports were more focused on independence and the newly born Zimbabwe. With the passage of time, film directors developed to exercise their

freedom of media into reporting and producing content relevant to the times so as to satisfy the overall and diverse audience. From 1989 things changed as film makers and journalists experienced hardships in their operations. For example Geoff Nyarota and Davison Maruziva are journalists who faced critical measures after they reported on a corrupt case famously known as the Willow gate Scandal. This report drew attention to the government and from then on media operations were now fully under surveillance. The following years after the scandal were accompanied by the banning of a lot of movies including the film Flame (1996) through the Censorship and Entertainments Control Act. Thus, anything politically affiliated was treated with suspense and strictly ruled off. At this point, it became clear that media in the new Zimbabwe was not liberal. The following years saw dynamics in the political atmosphere which also had a direct bearing on the Media and Film environment. This slowly developed a shrink into the participation of film making. A study on media monitoring activities in Zimbabwe by MISA (2003) points out that in the early 2000's the political climate had developed a much more tense situation which led to the introduction of a number of media laws that sought out to protect the governing party ZANU PF from rival forces like the Movement of Democratic Change (MDC). These laws still regulate and have an influence on media operations in Zimbabwe to date. The laws introduced during this era are the Public Order and Security Act (POSA), Access to Information and Protection of Privacy Act (AIPPA), Broadcasting Service Act (BSA) and the realignment of the Official Secrets Act (OSA). Their introduction caused a shift in the operations of filming, journalism and broadcasting in Zimbabwe as they favoured for a biased and propagandist situation. During the first two years of their introduction, the laws brought about a slight development of urban and local talent through the 75% policy on the screening of local content which in fact led to the shutting down of JOY TV a private broadcaster. JOY TV had served as an element of liberal commercial broadcasting within the Zimbabwe media industry, however its shutting

down clearly expressed how the new laws sought out to eradicate all forms of freedom to airwaves.

Organisations like the Voluntary Media Council of Zimbabwe (VMCZ), Media Institute of Southern Africa (MISA), the Media Monitoring Project of Zimbabwe (MMPZ), The Zimbabwe National Editors Forum (ZiNEF), the Zimbabwe Association of Community Radio Stations (ZACRAS) and the Media Alliance of Zimbabwe a combination of MISA, ZUJ and MMPZ have made efforts to have such suppressive laws to be reviewed, reformed and deregulated so as to have them amended in accordance to the new Constitution amendment Act (20) which supports freedom of expression and freedom to media. This request were treated with great response which saw the laws being amended but in a more divergent way. The amendment of the laws rather worsened the restriction of media operations thus increasing the under development of film industry. The reality is that deregulation guarantees a more viable opportunity to develop sectors of the media which include the film industry at the same time merging the aims of the government.

Under the restrictive laws introduced by the regulatory boards is the Censorship and Entertainments Control Act, initially it was a Rhodesia law introduced in 1967. It was amended and reintroduced into Zimbabwe's media in 1996 as an act to regulate and "control the public exhibition of films, the importation, production, dissemination and possession of undesirable or prohibited video and film material, publications, pictures, statues and records and the giving of public entertainment; to regulate theatres and like places of public entertainment in the interests of safety; and to provide for matters incidental to the foregoing" (Nyathi 2005). The law is controlled by a board made up of nine members. There is currently a small secretariat made up of 3 people. They have provincial committees made up of, among other institutions, the National Arts Council of Zimbabwe, Zimbabwe Republic Police,

Ministry of Legal & Parliamentary Affairs, Ministry of Information and Publicity, City Councils, Ministry of Labour and Social Welfare.

The Access to Information and Protection of Privacy Act (AIPPA), was crafted and put into act in 2002. The law was put into effect by the former Minister to Information and Publicity through the President's office. AIPPA gives government full controls or regulation over the handling of information to be acquired by journalist or a film research team. The law articulates that the media has a right to access various types of information held by public bodies. Accredited journalist have the right to seek access to information held by public bodies.

The Broadcasting Service Act, is also amongst the laws that holds restrictions to the film industry. It was crafted and enacted in 2001. Under Section 27 of the Broadcasting Act [Chapter 12.01] provides that only the Zimbabwe Broadcasting Corporation is guaranteed to carry on broadcasting service in Zimbabwe. The Act provides that "the Minister of State for Information and Publicity in the President's Office is the licensing authority in respect of licensing a person to provided broadcasting services". Thus the Minister has influence on the granting of licences based upon approvals from a Broadcasting Authority, the authority therefore allows the government to regulate media operations to their influence. The members of the Broadcasting Authority are all appointed by the Minister in consultation with the President. These requirements led to the formation of the Broadcasting Authority of Zimbabwe. Furthermore the act states that broadcasting licences may only be granted to Zimbabwean citizens who ordinarily reside in Zimbabwe or to a corporate body in which the controlling interest is held by Zimbabweans ordinary resident in Zimbabwe. It further stipulates that a corporate body "may" hold a community broadcasting service licence. In 2002 the Public Order and Security Act was introduced as a measure to ensure security and peace against the unconstitutional plans to overthrow the government. Furthermore it

highlights that the publication of false statements that are prejudicial to the State are a criminal offense whether one is publishing inside or outside Zimbabwe.

1.3 Statement of the Problem

The study focuses on the challenges being posed by media laws in Zimbabwe to the development of the film industry in the country. This is because the laws restrict operations of the media fraternity, though efforts have been made to have the laws amended to fit the requirements of the new constitution and the declaration of Human Rights. The efforts have failed to meet the standards of what the cooperate and private sectors wish for them to be involved in developing media activities in the country as a major sector of economic resuscitation. Deregulating, therefore, becomes a solution to have these oppressive laws removed for policies that allow for less government regulation on media activities so as to preserve traditional and cultural aspects that are fundamentals to the countries background. The United States of America is an example of how deregulation has helped boost the film industry and greatly the country's economy. Relevant to this is how countries like Nigeria, South Africa and Ghana have also adopt and embraced the same system but also realigning the move to the needs of the socio-political setup of their countries.

1.4 Objectives of the Study

The study seeks to:

- ❖ Identify the challenges and failures being posed by the current media laws to the development of the film industry.
- ❖ Show how deregulation can be an ultimatum to not only to the development of the film industry but how the move can greatly add up to the growth of Zimbabwe's GDP.

- ❖ To suggest examples on how other countries specifically USA have used deregulation effectively and how Zimbabwe can adopt the same move with elements suitable to its socio-political climate.

1.5 Research Questions

- ❖ What are the problems being faced by the film industry in Zimbabwe because of the restrictive media laws?
- ❖ What are the perceptions of film makers and media practitioners on the deregulation of the laws towards the development of the film industry?

1.6 Theoretical Framework

The research is largely couched within charters of the Watch Dog Role of media which suggest that the media should play a satisfactory and informative role, with diversified opinions through public engagement. The theory explains the purpose of media within states of governance. This include informing, educating and developing the nation through a fair, diversified and plural manner. Thus, if these are not met, then media in that particular state saves to protect a minority clearly oppressing the majority. The theory thus works in proposing ways in which media can be managed and “not controlled,” which saves as a respect to ones right to freedom of speech. This clearly guides how deregulation can be achieved in a pro state media environment. Stuart Halls Audience reception theory will caution on how the current media laws save no respect to the public (audience, reader or viewer) who have migrated from Zimbabwean content to foreign content like Nigeria, USA and South Africa due to the propagandist content published and aired in Zimbabwe. This has contributed tremendously to an under developed film industry. Thus deregulation supports diversity and with diversity public (audience, reader or viewer) satisfaction can be achieved.

1.7 Significance of the Research

The Film industry is a powerful medium of upholding cultural and traditional elements, a vehicle for expression and a 21st century method of education. Its under development has reduced the amounts jobs created within the industry as well as declined its relevance to economic contribution. This is due to the restrictive media laws that constrain media activities in the country. Deregulation therefore becomes liable to be assessed and evaluated in how it can improve media operations, ensure freedom of expression and how it can develop the country positively. This is because a move towards deregulating the current media laws allows for new laws and structures of operation that address the concerns of film makers, develops film activities (infrastructure, jobs and economic stability) and also enables film making activities towards contributing to Zimbabwe's economy.

1.8 Scope of the Study

The geographical latitude of the study focuses on film and media activities in Zimbabwe and how practitioners view the current media laws. Thus consultation with broadcasting stations, production houses, newspaper houses, responsible judiciaries to the laws, institution of tertiary education and organisations influential to media activities will be used to show the validity of deregulation. Organisations that oversee the economic status and development of the country will also be consulted. The United State of America will be used to relate in how deregulation can be used to achieve development. The study will also look into countries like Nigeria, South Africa and Ghana as examples of successful deregulators in Africa.

The study will also engage intellects and intellectual writings globally on deregulation and the development of the film industry and at large a countries economy.

1.9 Possible Delimitations

- ❖ Financial limitations on travelling distant areas in search of information.
- ❖ Lack of support from responsible authorities

2.0 Conclusion

The proposal highlight all the demanding information required in approaching the study which are the background of the study, objectives and research questions. This will give direction of the study and what it seeks to achieve through deregulating.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

The study gives an appreciation on works of literature that epitomise on deregulation, regulation and governments control on the media and film industry. Furth more, works of analysis and critical views will also be used in media laws and there influence on the film industry.

2.1 Understanding deregulation

According to Webster (2011) deregulation is the act or process of removing restrictions and regulation. Pettinger(2012) also states that deregulation involves removing government legislation and laws in a particular market. Deregulation therefore becomes a practise of liberal operation without or with reasonable limitations in a particular area of operation. Deregulation is directly the opposite to regulation, which means regulation becomes the process of imposing restrictions or limitations on certain spheres of influence. This is emphasised by the Business Dictionary (2012) edition, which states that regulation is the “principal or rule (with or without the convenience power of law) employed in controlling directing, or managing an activity, organization, or system.

Jolly (2007) states that deregulation especially in areas of media is a socio-political way of “protecting the public interest by safeguarding freedom of speech and allowing a diversity of viewpoints to continue in a broadening media environment.”

Campell(1999) asserts that deregulation is an economic boost because it provides efficiency, increased flexibility, increased incentives for compliance, and reduced cost. This will be made possible through the involvement of private players in the industry with market oriented techniques so as to match up to the customers wants., as addressed by the Kuwait

Chapter of Arabian Journal of Business and Management Review Vol. 3, No.3; Nov(2013) which alludes that, “the 1992 deregulation programme therefore opened the broadcast media landscape to private ownership, a step that had brought tremendous improvement to the growth and development of broadcast media in Nigeria.” On the other side Peltzman (1989) notes that regulation can be used by government as a socio-political measure because “politicians, like the rest of us, are presumed to be self-interested maximizers. This means that interest groups can influence the outcome of the regulatory process by providing financial or other support to politicians or regulators.” Thus despite the economic uses of regulations on industries, regulation can also be used as a way of preserving power as well as maintaining control by governments as epitomised by Bello (2015) “perhaps drawing examples from other advanced societies, the advantages of plural broadcasting as a purveyor of democracy, cultural values and ultimate liberator of the mind as well as a moneyspinning venture are after all not entirely lost on African governments. However, releasing electronic media to private managers with its quality of immediacy and frightening implications for tenuous, even dictatorial clingers to power in African countries has not been an easy decision to take for most governments.”

2.2 Media laws and the Under Developed Zimbabwe Film industry

Chimhenga and Mpofu (2013) state that media regulation in Zimbabwe are overseen by the Ministry of information and Publicity through the Media and Information Commission and the Broadcasting Authority of Zimbabwe which governs the introduction and implementation of regulatory laws such as the Censorship and Entertainments Act. Muchena (2010) argues that “In Zimbabwe, the CEA, POSA, AIPPA and BSA violate human fundamental rights enshrined in the country’s bill of rights as well as African Convention of Human Peoples rights, SADC protocol on Culture, Information and sport other instruments Zimbabwe is party to.” Muchena thus clearly portrays how the laws are illegal and suppressive.

However, despite Muchena's argument, it must be noted that the laws have played a pivotal role towards restricting works of Artistic expression especially to Zimbabwe's Film Industry, though AIPPA, POSA and BSA have an indirect impact to film making in Zimbabwe as they target mediums like print, radio and broadcasting. The three contribute mostly to restriction on research, representation as well as airing space in film production. Thus, Rwafa (2011) argues that "Whenever Zimbabwean critics debate how these laws suppress freedom of expression, the discussions focus on the impacts of these laws on newspapers, radio and television. This situation has created conditions in which the specificity of how films are affected by these laws has not sufficiently been interrogated." In support of this, very little has been presented how films are banned and censored in Zimbabwe. The Censorship and Entertainments Act, plays a huge role in suppressing Film development in Zimbabwe as it bans films that usually do not advance or favour the ruling party, which has caused demotivation in film production.

2.2.1 Censorship and Entertainments Control Act

Nyathi (2005) states that censorship of entertainment in Zimbabwe can be noted as "...the restriction of the creative mind, putting limits to limitlessness. It is an attempt to restrict the mind from exploring the very essence of nature, of the mind, of humanity. It is an attempt to contain the creative minds and control them". Thus Nyathi reveals how censoring creative arts is an initiative to limit the voice of the populace through government's regulation of the media. However, Nyathi (2005) focuses on how the law affects music production and does not allude to how censorship of entertainment in Zimbabwe affects the film industry. Bodley (2005) "reveals that "the entertainment industry is an area where censorship is present in the most visible form. Theatre and film affect the common interest of the public and are hence subject to certain types of governmental regulation. But attempts to regulate or censor films

often interfere with the free speech rights of playwrights, screenwriters, filmmakers, performers, and distributors.” This alludes how having regulation or censorship in the film, limits activities of film making. Rwafa (2011) reveals that, the Censorship and Entertainments Control Act was reintroduced from a draconian system which was meant to suppress the voice of the colonised as he notes that “However, in the process the new leadership retained some of the censorship laws which were reformulated and introduced under the Censorship and Entertainments Control Act of 1967.” This thus shows that the Censorship and Entertainments Control Act, is meant to align film makers to the same system that suppressed their story telling. Thus the advancement of such a law in a new and “democratic” state, restricts the presence of freedom in film making, which is the basis of reaching out to an audience as revealed by Balio (1985) in criticism of censorship as states that, “All other restraints on free expression—from after-the-fact obscenity to boycotts or protests that exert pressure on film producers to conform (consciously or unconsciously) to conventions of taste or *quality*—fall outside the terrain of film censorship.” Thus the presence of Censorship in Zimbabwe has tempered with the vibrancy of films as most film practitioners produce films to satisfy censorship boards rather than the market. This is revealed by Rwafa (2011) as points that state censorship has crippled the art of professionalism in Zimbabwean film as he states that “A case in point are the recent proliferations of ‘Zim movies’ being made Nigerian movie style—cheap, DVD-format, unprofessional, street-marketed but popular while managing to by-pass the censor. This, I believe, is the dawn of the real Zimbabwean film.” In light of this, it must be noted that Rwafa, thus, reveals that film makers have been made unprofessional as they try to devise ways in which they can survive censorship whilst ensuring their survival in the industry. Rwafa (2011) also emphasises on how interest in film making has been suppressed as it now concerns one's safety, as censorship in Zimbabwe now involves the use of harassment, “In

Zimbabwe, state censorship can even involve Central Intelligence Organisation (CIO) members who are likely to torture and intimidate a filmmaker who has produced a film deemed to be on sensitive issues.” This thus shows how Film making has been treated with suspense in Zimbabwe and has seen with it the decline of film making in the country which has been advanced by the suppressive media laws that regulate media operations.

2.2.2 Access to Information and Protection of Privacy Act (AIPPA)

According to MISA (2008) in terms of AIPPA for one to access information held by government bodies “A request for access to a record in the custody or control of a public body must be made in writing to the public body concerned. The request must provide adequate and precise details to enable the public body to locate the record.” This reveals how government creates ways in which it restricts the public as well as film makers from acquiring information which might be at the nation’s interest especially for documentaries that engage people on events influencing the state. Felton (2002) also reveals that “There are, however, various types of information that either must not be disclosed or in respect of which the head of the public body has a discretion whether or not to disclose. These include ... research information (s 20), information relating to the financial or economic interests of public body or the State[s 19]”. In contrast to this Nagpal (2011) reveals that “Research is the body and soul of good cinema, and documentary films in particular cannot be made without in-depth study of the subject.” Clearly restricting the flow of information tempers with a fundamental element (research) of film making, which has contributed grossly to lack of relative content within the country’s film industry. This also gives government power to decide which type of information should embody a film, by depriving film makers of relevant information relating to certain themes (corruption), in favour of biased viewing which saves less to film makers who survive by satisfying a diverse audience through balanced frames of filming.

Thus, Madinde (2006) argues that “The Access to Information and Protection of Privacy Act (AIPPA) governs the operation and general conduct of the media in a way that leaves the media with little breathing space.” Though Madinde notes how government constraints media activities through AIPPA, he fails to highlight how government control is disrespectful to the public (audience) which are film makers market base, this is revealed by Djankov, McIlesh, Shleifer and Ninova (2000) noting that “the public choice theory holds that a government-owned media outlet would distort and manipulate information to entrench the incumbent politicians, preclude voters and consumers from making informed decisions, and ultimately undermine both democracy and market.” The regulation propounded by AIPPA thus violates audience privileges which explains why the Zimbabwean audience contributes less to supporting filming activities in Zimbabwe, this clearly shows why the film market in Zimbabwe is crippled.

2.2.3 Broadcasting Service Act (BSA)

According to Weza (2001) the Broadcasting Service Act “came into force after attempts by Capitol Radio to broadcast in 2000. This was a private radio which at one time broadcasted into Zimbabwe from outside the country after being denied permission to operate.” This was due to the restrictions embedded within BSA’s regulation as revealed by MISA (2001) recording that “Under BSA, you cannot broadcast without a license, and only citizens and permanent residents of Zimbabwe or a body corporate whose controlling interest are held in Zimbabwe can apply for a licence. Going against the law attracts a fine or two years imprisonment or both.” This clearly shows how the Broadcasting and Service Act suppresses freedom of media in Zimbabwe. However MISA and Weza fail to highlight how the suppression of liberal or of commercial broadcasters has contributed towards the shrink of film activities in Zimbabwe. Commercial broadcasting caters for diversity thus appreciating an increased production of films and saves a way of reaching to various audience. This is

emphasised by Garcia-Alvies (2012) stating that “The synergies between television and the Internet have brought about innovative ways of considering the role of audiences and amplifying the reception of programs, as interactive technologies transforming the way television communicates with the audience, and also increasing the opportunities for audience feedback and engagement with programs.” However the public broadcaster favoured by BSA, has saved less to increasing the publicity of local made films, thus offering less engagement between the films and their market (the audience) which has contributed to a lot of viewers migrating from ZBC as revealed by Misa (2007) “Watching DSTV or SABC is better than watching ZBC has become a partisan broadcaster. Instead of discussing national issues there is a tendency to discussing party issues on national television.” This relatively shows why Zimbabwean produced films are not being appreciated even when their aired on ZBC because the audience has associated ZBC with propaganda viewing. This has not just affected the production of film but has also contributed to the decline of motion visual adverts. The production of adverts through the film industry has been crippled due to Zimbabwe’s single public broadcast system, this is because According to Feltoe (2002) under “Section 27 of the Broadcasting Act [Chapter 12.01] provided that only the Zimbabwe Broadcasting Corporation was entitled to carry on a broadcasting service in Zimbabwe.”, under the same chapter Feltoe reveals that if a Zimbabwean is to be awarded a broadcast licence the station is required to offer an hour of government policy programming. Dullard (2007) reveals that “advertising on television relies on a company’s interest on an aired program that supports its interest”. Thus tends to producing adverts in Zimbabwe for film makers has reduced due to companies lack of interest towards policies that a driven by ZBC. This limits content on film makers and also hinders film production houses financial stability which clearly depends on producing adverts. Misa (2007) stating that “Civil organisations have argued that the BSA Act is an insult on the citizens right to free expression as the

government seeks to limit rather than expand the communicative space. The civic alliances for Social and Economic Progress (CASEP) argued that control of the BSA act is a recipe for continued control of radio and television. The major problem with BSA is that it seriously inhibits investment into the broadcasting sector by creating licensing conditions, particularly for commercial broadcasting prohibition of foreign shareholding, restrictions of licences from possessing both licence and signal carrier licence.” The Act has provided for the shutting down of a number of broadcasters and has created a monopolised propagandist system of dissemination of information through ZBC. This is supported by MISA (2002) which state that “JOY TV was shut down after its lease agreement with the Zimbabwe Broadcasting Cooperation (ZBC) was cancelled on the ground that the agreement violated the 2001 Broadcasting Service Act.

2.2.4 Public Order and Security Act (POSA)

According to MISA (2004), “The Public Order and Security Act (POSA) is largely a reincarnation of the notorious Law and Order (Maintenance) Act (LOMA), which was introduced by the Colonial authorities in 1960.” This on its own is clear evidence on how POSA inherits traits that suppress and oppress as it takes from LOMA which was introduced to suppress the black majorities political artistic expression. However MISA (2004) does not give reference to how the grandson of LOMA, stifles activities of film making in Zimbabwe. An Article by *Reaseu Africain Detroit Constitutionnel Africa Network of Constitutional Lawyers* (2012) analyses that “legislation such as the Public Order and Security Act has been used to stifle opportunities for civil society organisations to disseminate state-held information or any other information that may be considered subversive to government interests.” In light of this, Yoo (2011) reveals that “... in the modern world, film making is a vital element in civil society organisations as it stands as a platform of uttering democratic values to the public” Furthermore, MMPZ (2001) reveals that members of the Media

Monitoring Project Zimbabwe's employees were charged for contravening "Section 25(1)(b) of the Criminal Law (Codification and Reform) Act for allegedly, "participating in a gathering without seeking authority from the regulating authority" and for contravening section 37(1)(b) of the Criminal Law (Codification and Reform) Act, for allegedly "participating in a gathering with intent to promote public violence, breaches of the peace or bigotry." MMPZ argues that "The employees had facilitated a meeting at which they distributed a promotional documentary calling on the media to promote peaceful electoral processes." The documentary was stopped and also banned despite the public's interest on the issues captured. The censorship board stated that the documentary was produce of falsehood and contravened sections of POSA. This shows that even were the government has failed to control access to information, it could still control the public dissemination of such information. This has crippled democratic film making and has also drawn fears within film makers on acquiring contracts of political parties against ZANU PF, who wish to engage them in filming projects. This is because MISA (2011) notes that under POSA if anyone is judged to have produced falsehood information, he is subjected to 20 years of imprisonment. Clearly this limits the amount of content that film makers in Zimbabwe can produce, meaning that the ability of film makers to use their talent in acquiring finance and educating the nation in what others think towards national building has been inhibited through this law.

2.3 Conclusion

The chapter provides an overview pertaining to how other scholars view deregulation and the suppressive nature of the Zimbabwean media laws. The chapter also gives highlights to gaps in the other literature previously published. The chapter also grounds the research study in theoretical framework to mark the extent of the study.

CHAPTER THREE

RESEARCH METHODOLOGY AND DESIGN

3.0 Introduction

This chapter reveals the numerous methods used to facilitate the research in terms of gathering information and analysing the deregulation of the Zimbabwean media industry and its effects towards developing the Zimbabwean film industry. This is to clarify the means of methodology employed in the collection of information relevant to the negative effects the current media laws have towards the Film industry and the perception of media practitioners towards the deregulation of these laws. The various steps and stages taken in assembling how deregulation contributes towards film development will also be described and discussed within this chapter.

3.1 Research Design

The study caters for both qualitative and quantitative methods towards understanding the views of media practitioners and the audience (viewers) towards the deregulation of the current media laws to cater for a more conducive and self-sustainable film industry. The study research design is largely influenced by the empirical research design. Black (2005) states that “the word empirical means that the information, knowledge and understanding are gathered through experience and direct data collection.” Thus the research uses interviews, desk research, sampling, field research, observations and administer questionnaires. The use of the empirical research design created room for engaged means of data collection especially towards the views of media practitioners on the current media laws. This aided in acquiring the wows and request of media practitioners towards the current media laws. Thus the design also allows for proper presentation on the statistics of the respondents in justifying why the current media laws should be deregulated to advance for film development.

3.2 Population

The study is influenced by the response mainly posed by the media practitioners (film makers, film students and film lecturers) and the viewers (audience) on how the current media laws influence film making activities and also the audience demands from locally produced films. The population of this study focuses on the perceptions of the two groups alluding to how the groups dislike or like the terms that are driven by the current media laws, which helps in emphasising why the laws should be deregulated to allow for a film industry that caters for the needs of the government, film makers and the public (audience). The need to point out the population focus is because according to Black (2005) states that “all research design models that have been and will be considered depend to some extent upon appropriate identification of population...” Thus there is need to clarify on whom exactly the study is intended on engaging. This allowed for a proper collection of information on all parties involved, thus stripping the study of biased views on the issue of deregulating the current media laws towards film development.

3.3 Sampling

Sampling can be viewed as a selection process, of the information gathered in achieving the study. This is done to come up with relevant information in proving why the deregulation of the current media laws helps in developing film activities in the country. Gunter (2000) states that “once the body of content to be considered has been specified, the researcher has to determine how much of that content to analyse.” Thus the need to sample all the information so as to assess its validity and purpose in pointing out the short comings of the current media laws towards the film industry. Furth more, it helped in surfing information on film and the media laws not just print and television.

3.4 Methods of Data Collection

The following paragraphs shall bring to light the methods of data collection used within the study. These comprise of questioners, interviews, internet data and focus groups analysis. Questioners and interviews were embodied to capture first-hand information from media practitioners and the audience on the deregulation of the laws towards developing Zimbabwe's film industry. More so, questioners allow for freedom of expression thus guaranteeing the researcher to provide honest opinions on the study. Internet data was used to evaluate what newspapers, online groups and online articles publishers view matters of Zimbabwe's media laws, the suppressive environment they have created and how deregulation can help kick start film activities in Zimbabwe. The use of both qualitative and quantitative research methods has also influence how data was collected during the study as alluded in the research design.

3.4.1 Qualitative Research

Lee and Kotler (2009) reveal that "Qualitative research generally refers to studies where sample sizes are typically small and are not reliably projected to the greater population." Thus in using qualitative research one would have already spotted potential public response in the study field. This helps to in keeping the study in line through the consultation of reliable archives like Books, newspapers and online media web pages like the **Zimbabwe situation online**, which provide information on how the media laws have been fairing since their introduction which helps the research come to a judgement on why they should be deregulated. Flick (2010) reveals that "qualitative research claims to describe life words from the inside out, from the point of view of people." Thus the use of qualitative research smoothly allows the study to relate and voice out the concerns of the media practitioners and the viewers (audience). Thus biased opinions are substitute as well as foundations to solutions

on how deregulating the current laws helps in developing film making. This also strengthens the aims of the study by providing such an engagement.

3.4.2 Quantitative Research

The study shows how the introduction of the suppressive media laws led to a drastic under development to the film industry. Quantitative research in the study shows the statistics and proportions on the drastic effects of the suppressive media laws.

3.4.3 Questioners

Questionnaires are a survey sample with strategically crafted questions that help structure and solve arguments within a study. Kumar (2010) states that a questionnaire is “a written list of questions, the answers to which are recorded by respondents.” Thus to emphasize this the study used questioners to understand the responses contributed by media practitioners as well as the audience towards the suppressive media laws. The questioners were also used as an instrument to coming up with statistics that present the population’s satisfaction or dissatisfaction towards a regulated media industry. This provides concrete evidence in judging and justifying the study. This is because questioners provide ones general expression towards the study and also take less to reach a larger sample size than the previously dominating interviews.

The type of questioners used in the study are namely:

- ❖ Open ended questioners- according to Kumar (2010) in an “open ended question the possible responses are not given. The respondent writes down answers in his/her own words.” This helps to accommodate for unbiased views within the study which helps to uproot problems being faced by film makers which are being advanced by the media laws.

- ❖ Close ended Questionnaires- Kumar (2010) reveals that “Close ended questions the possible answers are set out in questioners or schedule and respondent or the investigator ticks the category that best describes the respondents answer” The use of the close ended Questionnaires might lead to unbiased dissemination of information if not treated with caution, however they also helped in aligning the questions to film development as most people seem to be focused on print and television.

3.4.4 Interviews

The study embodies in it the use of unstructured interviews. This is because Interviews are a basic and common source of acquiring information from the public and officials in areas of regulation, film making and censorship boards. Gilbert (2005) reveals that in an unstructured interview “interviews simply have a list of topics which they want the respondent to talk about, but free to phrase the questions as they wish, ask them in any order that seems sensible at the time, and even join the conversation by discussing what they think of the topic themselves”. Such a platform creates a confident and engaging forum between the interviewee and the respondent, fostering for fruitful and progressive environment. This helps to create a feeling of mutuality towards coming up with solutions on how deregulation helps develop the film industry. More so, it helps for a fair judgement on points of constructive criticism, which aids in coming up with vibrant solutions on developing the film industry in Zimbabwe. In light of this, the study sought to interview the writer Mlondolozini Ndlovu media analyst at Media Institute of Southern Africa, how the deregulation of the current media laws will help not only to develop the film industry but ensure the success of the digital migration program.

3.5 Methods of Data Presentation

The study uses mainly qualitative data presentation which is thematised to present main topics of discussion deduced from the research findings. Quantitative data presentation was used to give statistical references of the questioners and interviews. This will be represented in form of charts, tables and graphs. This provides evidence of the information presented in the study. It also helps in providing numeric justifications towards the respondents favour towards the deregulation of the media laws. It also gives relevance to why the study was crucial towards airing out the concerns of film makers on the restrictions advanced by the media laws in their professional activities.

3.6 Methods of Data Analysis

The study employs the use of both content and discourse analysis. Content analysis is used to analyse the responses of the viewers, media practitioners in questioners, interviews and focus group analysis. Content analysis helps in analysing all responses put forward which helps in judging their relevance to the study. This aided in giving the study meaning and direction. It also helped in coming up with solutions to how government can boost political, economic and social stability through film, if proper consultation was done in approaching deregulation. Critical Discourses analysis is used to analyse other documents that were used during the study. The method aided in finding areas and countries that Zimbabwe can relate to especially considering deregulation as initiative to film development in Zimbabwe. It also helped in giving reference to countries that successfully deregulated their media industries and how it developed the film industry in those countries.

3.6.1 Content Analysis

Dooley (1995) reveals that “The term content analysis refers to methods that count occurrences of selected lexical (related to words) features in samples of text or speech.” In a bid to investigate the deregulation of the media laws and its impact to film development the

study employed Qualitative Content Analysis. According to Dooley (2005), not only is this the best research journalist can use but “this approach can quantify the emphasis given to certain kinds of content by counting the number of words or lines of print referring to the topic. The resulting data can help explore the way the media handle different kind of issues.” Thus this allows for a moderate merge and link with quantitative data analysis, thus proving the research to be satisfactory.

3.6.2 Critical Discourse Analysis

Jensen (2012) reveals that “Critical Discourse Analysis (CDA) is intellectually rooted in critical linguistics but since supplemented and extended with a range of social and cultural theories CDA represents a significant theoretical as well as methodological contribution to the interdisciplinary study of media discourses.” This reveals that after all the data has been gathered, critical discourses aligned the deregulation of the media laws to the Watchdog role of media and the Audience reception theory. This aided in emphasising how the laws need to be deregulated as they violate film making activities as advanced by the theories of audience reception and the watch dog role of media. Furthermore, Fairclough (1997) states that “ CDA sees discourse as used in speech and writing as a form of social practice... describing discourse as a form of social practice implies dialectical relationships between a particular discursive event and situation(s), institution(s) and social structure(s) which frame it .” Thus CDA involves are strategic analysis to how not only the media practitioners and audience view the media laws but also creates space to view how the state regulators relate to the study. This helps to weigh the legitimacy of the arguments presented by the involved parties towards question on whether the laws are suppressive and why they should be deregulated. This helps to uproot the problem and coming up with solutions to solving it. This is emphasised by Van Dijk (2009) as he reveals that “discourse ... may be illegitimate

according to some fundamental norms for instance those of international Human rights and Social rights.” Thus in the study CDA was used to put to test the legitimacy of the media laws in Zimbabwe and how they save the public at large. Thus if there are not legitimate to the public, they stand to be questioned thus a call for their deregulation so that film saves its rightful purpose in a democratic society.

3.7 Conclusion

In conclusion the research methods used in the study were important in acquiring a substantial representative of the target population for the research to have valid results. To add on, the research sample was accordingly selected to stand out to the requirements of the study. The methods of data analysis clearly highlight to real life themes also providing answers and responses from the internet particularly media focused websites and archives. Data analysis was effectively employed to bring out the important themes whilst extracting meanings within the study.

CHAPTER 4

DATA PRESENTATION AND ANALYSIS

4.0 Introduction

The data collected during research will be presented in this chapter. The data collected include, data from interviews, data from focus groups, data from the internet sources and data from questioners. The chapter will also present and analyse, how quantitative data was used to collect the age, gender demographics and the responsive population to the study. Qualitative data will present the views and perceptions of respondents gathered from questionnaires, interviews and internet sources. The chapter will also analyse and discuss the findings of the study.

4.1 Quantitative Data Presentation

This section of the study will reveal the tables, pie-charts and bar graphs used in acquiring quantitative information within the research.

4.1.1 Gender of respondents

Questionnaires were distributed to Regulatory authorities, Film production companies, Film practitioners, Media analyst and Film students. In the sample, 17 were male and 13 were female.

Males	17
Females	13

Fig 1.1

4.1.2 Age of Respondents

Fig 1.1 reveals that, thirty people responded to the investigation. The highest responsive age group were the ages twenty to thirty five, with seventeen respondents followed by the age thirty six to fifty five which had nine respondents and the ages fifty six to sixty had four responses.

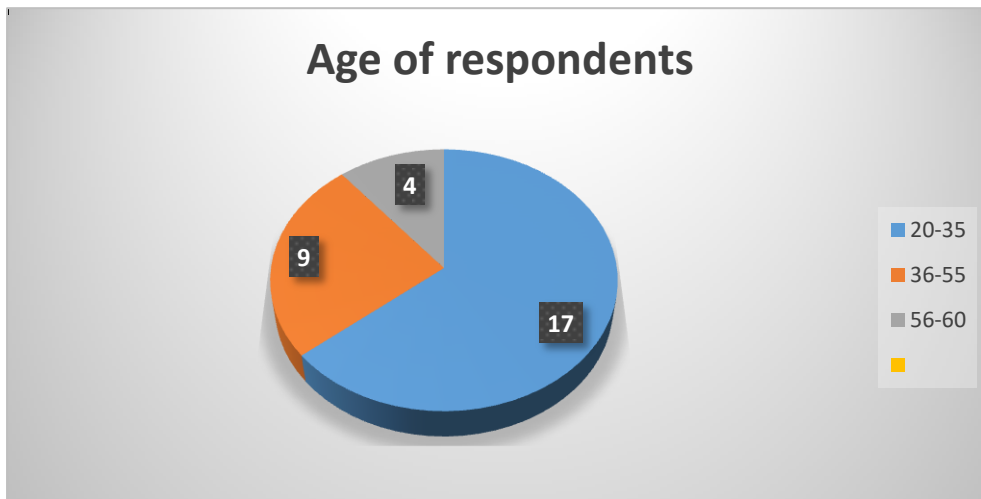


Fig 1.2 shows the age of respondents in each age group

4.2 Responses to the Deregulation of Media laws towards Film development.

Responses from the research indicate that a significant amount of people expressed dissatisfaction towards the current media laws. These responses range from film practitioners, film students, film lecturers and other media analysts. Within these age groups, three of the film practitioners proved to be satisfied with the current media laws whilst, seven of them indicated dissatisfaction with the media laws. Three film lecturers were given questionnaires and two showed dissatisfaction with the media laws and one of them indicated confidence with the media laws. Within the nine the media analysts, six showed satisfaction with the current media laws and contrary to this, the other three analysts showed dissatisfaction. Of the eight film students given questionnaires, six showed dissatisfaction with the current media

laws whilst two showed satisfaction with the media laws. The different population adds up to eighteen respondents showing dissatisfaction with current media laws which constitute to 60% and twelve respondents showing satisfaction with the current media laws and these constitute 40% of the population response. Thus the graph below reveals the divided views on the likability of the current media laws.

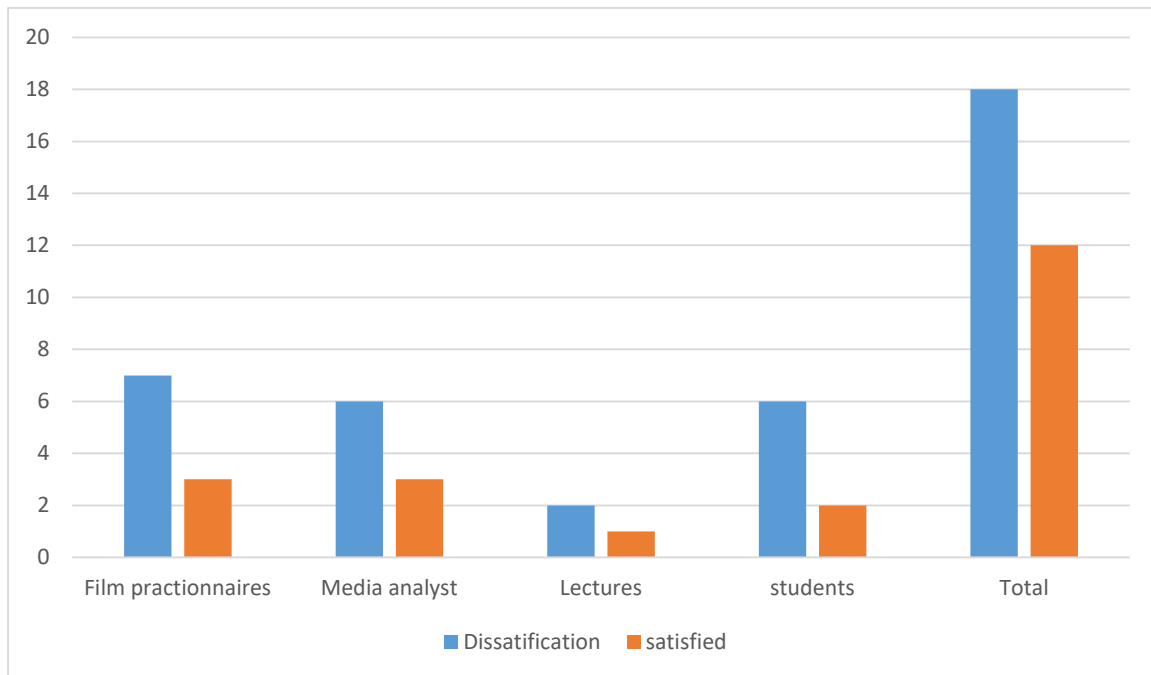


Fig 1.3 shows the number of respondents per category that is satisfied or dissatisfied with the current media laws, specifically on the development.

The majority of the respondents expressed dissatisfaction with media laws as they argued that it was inhibiting the growth of film which was being unfairly judged because of other media elements like print. The quantitative data collected was analysed and presented using qualitative data analysis.

4.3.The Current Media Laws versus Film Development

The majority of the respondents expressed dissatisfaction with the current media laws. This was influenced by the expression that, film has been suppressed by the suppressive media laws due to other mediums that have caused stress within the entire media industry. Thus those who were in support of the deregulation of the laws agreed with the following viewpoint

- ❖ The media laws should address the film industry with its own laws different from other mediums.

A recurrence of the expression that though the current media laws overly suppress freedom of expression, they target mostly print, radio and television media, but have unjustifiably affected the film industry, were embedded within the interviews and questionnaires. Rwafa (2012) reveals that “Whenever Zimbabwean critics debate how these laws suppress freedom of expression, the discussions focus on the impacts of these laws on newspapers, radio and television. This situation has created conditions in which the specificity of how films are affected by these laws has not sufficiently been interrogated.” Thus due to this data, the study found out that, the introduction of the suppressive laws was mainly targeted on print media but ideologically stretched inhibits to film making.

Discussion

The introduction of the state favouring media laws has forwarded with it a lot of inhibits to mediums such as print, radio, television and film. It is evident from the research that the introduction of the media laws was a political move in order to eliminate external opposition whilst maintaining power for the ruling party ZANU PF. Print and radio hold more ground in

Zimbabwe's mainstream media and by the time the laws were introduced the newspapers were more influential towards the political inclination in Zimbabwe. Thus the two mediums were the main targets of the media laws. However the laws extended to inhibit film making in Zimbabwe specifically through the Censorship and Entertainment Act. Media analyst within the research population have advanced that the combination of this laws unjustifiably attack the operations of film making and worse when then film is produced, it is usually met with heavy censorship and to some extent state apparatus like the police and army are put to hand to challenge films that are in the making through these laws`. Film practitioners have expressed the highest distaste for the media laws as they feel that they undermine the audience as the laws favour for one sided productions, which favour the interest of the government and not the public. Though they gave great appreciation to how the Censorship and Entertainment Act protects the production of obscene and immoral films, it also restrains a wider frame of the general outlook of the state. The data collected from the film practitioners reveals that film making is being unfairly treated by the laws thus most of the films produced do not appeal to the audience as the film makers try to appease the views of the government as bid to avoid being censored and losing money. Thus the laws disregard theories of Audience reception as they channel for a more propagandist rather than an engaging environment. This has caused barriers between the films produced in Zimbabwe and the audience. Most of films would have gained high appreciation within the audience through trailers but their banning has caused lack of confidence within the audience and the Zimbabwean film industry. Information from the lectures proves that laws like AIPPA, POSA and BSA indirectly affect the pre-production stages and post production process of film making. Thus the majority of the respondents have favoured upon the deregulation of the laws to provide for laws that directly align to a certain medium, whilst considering how the laws advance the medium. It must be noted that for film to fully survive, function or prevail it

fully depends on how it relates to its audience. Thus in order for there to be a film, they also have to be a specific audience. This thus requires productions that relate to a wide audience in order to fully educate and entertain in a respective and well represented frame. However, for this to be achieved it also requires a fair system towards the access of information especially when researching and scripting for a film. Film practitioners have, highlighted that AIPPA specifically deprives them from scripting and conceptualising films that relate to day to day activities of the Zimbabwean situation. Some stories have been left lingering by the government, like the Chiadzwa diamond rush. It is the work of film makers to inform and educate people on what transpired and how the nation can heal and build from such a horrific event.

However in terms of AIPPA the information cannot be released unless if approved by a certain board. This deprives film makers of content and automatically drives them to the usual content that the audience are used to and relatively has become boring. It is to this that, the government is probed to fully respect the functions of film, as a tool of information to different people. Restrictions by AIPPA have heavily contributed to the decline in numbers of scripters, creative directors and producers. Media analysts have noted that, in the past decade the government has shown concern towards donor funded films, which indeed portray Zimbabwe as a hunger and disease infested country. However the government doesn't notice how a combination of the Censorship and Entertainment Act and AIPPA has overly contributed to the lack of producers within the country, thus leaving film practitioners with little choice than to confine with donor funds. Not only do these two laws restrict promote the worrisome donor productions, they grossly contribute to a depressed relationship between film makers and banks that offer business loans.

Currently, one is forced to produce films that align with the laws but most banks have moved from offering loans on film production. This is because the Zimbabwean film market has grossly been treated with less importance by its audience. This is because the production of market based films have been hindered by the Censorship and Entertainment Act. In their response film students have expressed fears on what is to happen to them after acquiring their certificates, diplomas or degrees. This fear has been probed by the gradual decline in production houses and worse the limits on loans. All this has been a result of the suppressive laws.

Furth more, film students responded that the laws close gates to employment and thus promoting lawlessness within the nation. The Broadcasting Service Act has hugely contributed to the closing of television channels which are not only a means of film publicity but also a channel of employment to film students. This is because for Television to survive it grossly depends on film makers. However, the only broadcasting television is currently state owned and doesn't accommodate for all graduates in terms of employment. Worse off, because it is influenced and advance by these suppressive laws, it has also limited the airing of a number of films produced in the country. Media analyst have noted that ZBC has failed to support and develop the film industry as it provides for a propagandist frame. This thus leaves film makers with no public airing space and promotes piracy and unprofessional distribution of disc, which has become the gate way to most film students in Zimbabwe.

4.3.1 Stiff Regulation versus Deregulation of the media

Below is a pie chart that shows the percentage on the responses of dissatisfaction on the

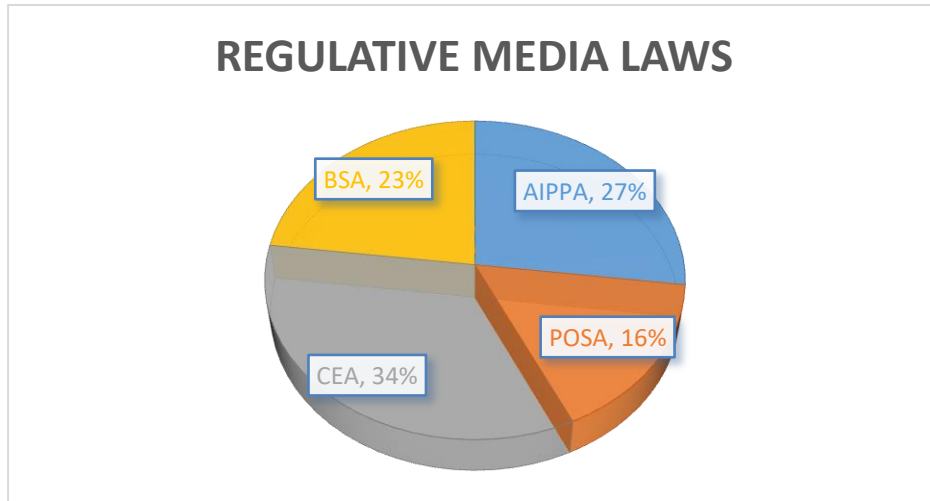


Fig 1.4 .The pie chart shows the detestation of film practitioners, media analyst, film students and film lectures on the laws that regulate Zimbabwe’s Media. BSA recorded 23%, AIPPA 27%, CEA 34% and POSA 16%

The response on the regulative laws shows that most people were not in favour of the Censorship and Entertainment Act which gained the most dislike. However, overly 64% of the respondents were in favour of deregulation, since regulation is being advanced by suppressive laws. Questions were raised by media analyst if the laws were in align with the constitution and it seems the laws are a clear violation of the constitution. Thus regarding there regulation illegal. Government regulation of media through this laws, greatly contravenes with what the film practitioners and film students would generally expect from their industry. They also go against freedom of expression, which is a constitutional right and usually creates room for artistic abilities. The regulation committee are made up of government officials with a single ideology and does not include film makers on the ground and worse off has no consultation or engagement with the film makers.

Discussion

It is clear from the above data that the current regulation is not favoured by the people in the film industry as it has contributed to its decline. Media analysts have revealed that these are some of the effects of government regulation on media. When media is strictly regulated, it is deprived of its democratic role in favour of a minority. The laws introduced by the regulatory authorities like Media Commission of Zimbabwe have affected all media streams despite the fact that a certain industry can contribute in generating income for the nation. Film in most deregulated media's like in Nigeria, has economically contributed to the creation of employment and supporting the Reserve Bank. This was advanced by the deregulation of the industry and the introduction of new laws that serve to attend to mediums with their structures like the Film Act. Film lecturers have noted that in Nigeria the media industry now plays a crucial role in public engagement, as it accommodates for diverse and favourable conditions. This helps in interactive educating, especially when a country knows that the media is liberal thus proving its democratic respect to the nation. However the current Zimbabwe media laws inhibit what Adam Smith refers to as the free market flow. His argument is that democracy involves the decentralization in order to ensure a free flow of information necessary in the survival of a democracy, thus the moment information fails to circulate freely it contributes to the demise of democracy. Media focus groups on social networks, have responded that, the fact that AIPPA restricts a fair system of information flow hinders the state of democracy within the country. Thus regulatory boards that have introduced the laws have played a role to the undemocratic environment in Zimbabwe.

The introduction of these laws has contributed less to the people within the media fraternity of Zimbabwe but has saved the interest of the regulatory boards. Media analysts have noted that the regulatory boards seem to know or care less about the media of Zimbabwe. It is good

that the regulatory boards introduced the Censorship and Entertainment Act on grounds of protecting the countries traditional and moral values. However, Film lectures responded that, it is not fair that the act seems to ban almost every production that has language or actions that go against the ruling party specifically Flame (1996). It seems the law strictly wants to hide some certain events of actions that influence the nation. It is a mandate that a film practitioner portrays stories without a bias or deceptive frame. This is crucial to the development of the country as film helps to uproot conflicts, display them and give solutions to how the nation can be built or healed from such conflicts. Thus instead of introducing regulatory boards and laws in order to put some issues under the carpet, deregulation actually allows for a platform where cases are introduced to the public to foster for solutions. Such methods are only visible or put to taste through a deregulated media industry.

Media analyst have noted that, the country was mandate to launch its Digitalization program last year in 2015 and has failed to do so, till to date. In parliament the permanent secretary of the Ministry of Information and broadcasting services, honourable George Charamba admitted to this failure and stated that it was because of financial constraints. The permanent secretary also noted how the program could help generate income to Zimbabwe's troubled economy. If Zimbabwe's media was deregulated, sponsorship could have been the least of problems to the digital migration program. However because regulation introduced laws like BSA which prohibits foreign involvement, by foreign one must also consider Nigerian broadcasting investors not just western ones, which could have cheeped in to help boost Zimbabwe's film and production industry through commercial television. However it seems the Permanent Secretary and the regulation board fail to notice this defaults. It seems the stiff regulation is directly causing complications to its masters. Deregulation does not mean shutting off the government from media involvement, it simply means liberalising the media to cater for public broadcasting as well as commercial broadcasting. Thus, the state will only

have regulations on public broadcasting. Deregulated industries have grabbed viewers from ZBC to satellite transmitted television as viewers have moved from the boring monopoly ZBC to diverse and satisfactory broadcasting.

Film practitioners responded enthusiastically to the deregulation of the media industries. This was due to the fact that, the practitioners feel that the regulatory boards do not relate to film makes tribulations caused by the laws. Regulation has confined Zimbabwe's film industry without even addressing to the stiff challenges that it has brought to the industry. Deregulation caters for the involvement of all stakeholders taking into consideration the effects involved, thus providing for a win-win situation. This therefore aids in coming up with policies that save the best interest of the audience, film makers and also the state.

Film students also responded highly to a move towards deregulating these laws. These is because the laws have drained the industry towards any prospective developments. The students noted that, their ambitions and talent are not being supported by the laws. It is to this cause that students have developed less momentum towards these field of study. This has grossly shutter gates on how Zimbabweans have failed to develop their country through artistic talents. The students, wish for a better environment were art and expressionism is appreciated and natured. In an interview, one student noted that, it is this form of regulation that prominent actors, directors, editors and artist have moved to deregulated industries in order to support their dreams and talents. It is this nature that the regulatory boards have created. More so, it seems it's now an embarrassment to undertake studies in such an area as the jobs and space is unconducive. This has narrowed the involvement of the youth in the industry thus clearly living it crippled in terms of future support. Each and every industry like the Law, Commercial or even Agricultural, depends solely on whom is to inherit it so as to protect its existence. However regulation has made the industry so shallow so much that it is now treated with spite in the country.

4.3.2 The Watch dog role of media in support of the Audience reception

Having stiff and suppressive regulatory laws proves that Zimbabwe's media gives too much power to the government and this power seems to be greatly abused. This has promoted the harassment faced by journalist and film makers (especially those that produce documentaries). More so, it has contributed to propaganda productions which have crippled the natural functions of media. Curran and Gurevitch (2000) reveal that, "when media becomes subjected to public regulation, it may lose its bite as a watchdog. Worse it may be transformed into a snarling Rottweiler in the service of the state." This clearly portrays the current traits of Zimbabwe's media industry. The introduction of these laws has deprived film of its role to uproot matters of corruption and unbiasedly educate the nation. Thus it has lost its watch dog role. Media analyst responded that the media has lost its watch dog role and has proved to show disrespect to the audience reception theory which serves to provide satisfactory and relative viewing to film audience. Documentaries are one of the means in which film maker's help in fighting corruption and bringing justice to scandals, thus upholding the watch dog role. Documentaries are subjected to carry with them facts and provide evidence especially in issues to do with politics. More so, documentaries are also liable to track the country's economic or social development and under development. This aids in keeping the nation update on national building issues. However film practitioners have noted that to produce such documentaries is a taboo due to the current media laws. At some point the government should questioned especially in when corruption is at its peak. However, the laws only provide for a biased portrayal of the government which has led to what is referred to as, Gorilla film making. Film students have responded that, it is not fair that the government produces documentaries that protect their images whilst the nation is at its knees. If one is to produce a feature film or documentary that tries to uproot social or political misconduct, he is subjected to harassment or the production is banned. Film lectures

have also responded that, it is this biased documentaries that the audience have shown distaste to. Stuart Hall (1993) notes that, “there are three different positions audiences (receivers) take in order to decode the meanings within cultural texts, particularly televisual discourses. They are the dominant-hegemonic position, the negotiated position and the oppositional position”. The government’s introduction of the laws was meant to save a dominant-hegemonic environment so as to forward propaganda and brain wash the public on situations affecting the country as reveal by Hall (1993) “Within this position, there is little misunderstanding and miscommunication, as both sender and receiver are working under the same rule set, assumptions and cultural biases. It is this position that will allow the transmission of ideas to be understood the best, despite certain frictions that may occur due to issues of class structure and power, specifically between the elites who are able to dictate the rule set and the non-elites who must adopt the elite's rules as dominant.” However because the information provided is not in relation to what’s on the ground, the move has failed as the information is biased. This has been forwarded by government lack of respect towards its audience as it views them as docile and uncritical beings. This has created what Hall (1993) state as the oppositional view, “when the audience member is capable of decoding the message in the way it was intended to be decoded, but based on their own societal beliefs, often sees another, unintended meaning within the message.” This clearly relates to Zimbabwe’s situation were the audience have become frustrated with the propaganda aired on ZBC and have moved to internet sources and other satellite broadcasters. This has clearly crippled the film industry in which, film makers would like to produce films were the audience is respected and also given space to decode information in relation to their understanding and experiences, Hall (1993) reveals that “The negotiated position is when the audience member, or receiver, is able to decode the sender's message within the context of the dominant cultural and societal views. The messages are largely understood, but in a

different sense than the dominant hegemonic position.” However the laws have inhibited such a space for film makers to produce films that provided for negotiation and respect for the audience, the production of such films is met heavily by Censorship as in the case of Lobola (2010), where social issues were presented unbiasedly, which gained the hearts of the audience but surprisingly the film was banned under the Censorship and Entertainments Act. It is this lack of respect that has drained the film industry of its audience and has left Zimbabwe’s film production with a very crippled market base. Media analyst and film practitioners have responded that deregulation therefore does not only cater for the introduction of new laws but also forwards to the respect of the audience who play a crucial role in developing and supporting the film industry, through upholding theories of the Watch dog role of media and the Audience reception theory.

Conclusion

The information provided in the chapter presents the data collected during research of the study. The data is analysed towards the respondents to their view on deregulating the current media laws to cater for film development in Zimbabwe. This was done by consulting different and influential stakeholders in Zimbabwe’s media. The data presented and findings are also linked to the theories used to guide the study.

CHAPTER 5

5.0 Conclusion and Recommendations

Sixteen years have passed since the introduction of CEA, AIPPA, BSA and POSA by the Zimbabwean government. It is clear from the research that the laws were a strategy employed to gain leverage on the country's political landscape. However the introduction of these laws has contributed less to media activities specifically film making, rather they suppress and restrict film activities thus contributing to the under development that currently ropes the film industry. It must be noted that, the laws are unconstitutional and are a violation of human rights, thus their legitimise stands to be questioned. Film practitioners, Media analysts, Film students and lecturers have showed dissatisfaction through their responses as pointed out in the study. However they also have proposed views to how deregulation contributes to the development of film. Thus in light of this, this chapter will present a summary of the research findings and give recommendations on how deregulation promotes film activities whilst contributing largely to the economy of the country. Furthermore, the chapter also concludes the whole study.

This study has presented its disapproval on government's full regulation of the media especially through restrictive laws, thus hence calling for the deregulation of media in Zimbabwe. The laws have restricted the growth of the film industry, living players in the field unemployed, bankrupt and underpowered. The laws have also contributed to restrains in nurturing artistic talent, thus depriving the younger generations of exploring their talents in obtaining a living. The laws have also mystified the ability of film making to contributed abundantly to the nation's economy.

In light of the above, the study has brought forward pieces of legislation that need to be revoked in order to foster for deregulation. These include CEA, POSA, AIPPA and BSA. As presented in the study, the laws restrict and suppress the potential of the film industry, more so, the laws were inherited from the colonial Rhodesian system which suppressed the black man's expression. It must be noted that not all media laws were put to inspection but the above powerfully influence the under development of the film industry.

In support of deregulation, the study has highlighted the role and purpose of media in a democratic society, which is upholding a Watch dog role. By upholding a Watch dog role, the media pays respect to everyone despite ones influence, thus it serves to satisfy the public to a larger extent. This saves as a respect to the audience who are a vital element to film making in Zimbabwe. Media should not save propagandist and monopoly political views, this grows a distaste within the public towards media activities in the country. Film makers should be free to work with different stakeholders despite the stakeholder's political view, they should also engage and educate the masses on issues influencing the nation without fear of biased censorship. The audience should be free to choose areas of viewership that confine to their needs.

5.1 Recommendations

The study has revealed that the current media laws are advance under development in film making. The laws are also go against the requirements of the Constitution Amendment 20, which is the supreme law of the nation. The study has revealed and proved how the laws are contributing to unemployment, restrain of public opportunities and restrictions to film makings contribution to the economy and the countries values. This restrictions have contributed to the hardships that currently haunt the nation. Therefore, regulation has worked in maintaining political power but has advanced with it a decline to the nation's public

interest value which are supporting the citizens in their endeavours, creating employment and providing a free and fair system of living to everyone. Thus

- The study advises the government to pull down structures of regulation as they save less to developing talents of artistic expression in the film industry (acting, cinematography, directing amongst others.)
- The study also recommends, the development of new laws that do not give government officials full regulation on media, but rather laws that create a conducive environment between government and film makers.
- The study further recommends that the government consults other deregulated industries like Nigeria and Ghana, on how deregulation can save as a patriotic and economic empowerment initiative to Zimbabwe.
- It is also recommends that, government should consult or undergo a survey on media practitioners current conduct with the law and what they feel needs to be done.
- The study also recommends that the government should uphold democratic and respected audience analysis values of media as a means to persuade the public towards favouring the ruling party rather than usingpropagandist and old style monopolist strategies.
- The study also recommends that the government should consider deregulation, which would foster for film development, thus ensuring that the digital migration process becomes a success.

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Appendix 1

Questionnaire

My name is Simon Tafadzwa Mazano. I am doing my Honours Degree in Film and Theatre Arts Studies at Midlands State University. I am carrying out an investigation into the deregulation of Zimbabwe's media laws and its impact to the development of the film industry. Your participation in this study is greatly appreciated.

NB: The work is purely academic and the results would be used as such after which the questionnaire would be disposed of properly.

You can skip the parts you do not feel comfortable answering.

Tick where appropriate and fill in the blank space provided for below.

Film practitioner Media analyst Film lecturer Film student

MALE FEMALE

Gender

Age 20-35 36-65 56-60

YES NO

1) From a media point of view are you satisfied with the current media laws?

Why? _____

2) In your own opinion is the media environment safe for film making activities because of the current media laws? YES NO

Explain your answer _____

3) Which media laws do you think need to be deregulated to enable film development

Explain why you think these laws need to be deregulated

4) What situation would you prefer to see in Zimbabwe's film making industry?

Appendix 2

Interview Guide

- 1) Are you satisfied with the provisions of the current media laws on film making activities in Zimbabwe?
- 2) Which media law do you think needs to be deregulated in Zimbabwe?
- 3) In your on view do you think the current media laws save the interest of the public and film makers or it saves a minority interest?
- 4) What are you doing as an organization to see the deregulation Zimbabwe's media laws?
- 5) What challenges are you facing as an organisation to achieve what you have just states above?

Appendix 3

Focus Group Guide

- 1) Are you satisfied with the provisions of the current media laws on film making activities in Zimbabwe?

- 2) Which media law do you think needs to be deregulated in Zimbabwe?

- 3) In your on view do you think the current media laws save the interest of the public and film makers or it saves a minority interest?

- 4) What do you think should be done to see the deregulation the current media laws in Zimbabwe?