

LAW

President Magufuli says he does not understand why media stakeholders are asking for more time over the matter

JPM ignores players' call on Media Bill

The President's statement was a great blow to media stakeholders who had hoped he would stall the passing of the controversial Bill

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Dar es Salaam. President John Magufuli yesterday said he would sign the Media Services Bill into law despite requests by media stakeholders to have the enactment of the Bill pushed to February next year.

Addressing his first press conference in Dar es Salaam yesterday President Magufuli said the Bill, which

was tabled yesterday in Parliament, has been "long time coming"

He said he did not understand why media stakeholders were asking for more time considering the fact that the Bill has been there for years and that he had no powers to stop the legislative process done by Parliament, another pillar of government.

"I will assent to the Bill the very day it is brought to me. The Bill was ready a couple of years ago. Why keep it waiting? If you were not ready for

ABOUT THE BILL

A contentious issue of the Bill is the omission of the clause that was included in earlier versions of the Bill that required private broadcasters to connect to the state broadcaster, TBC1, for the 8:00 pm news bulletin. Another issue is that Bill gives the minister responsible for Information powers to create regulations on content of media houses.

all those years you would not be ready even after the three months that you are asking for," President Magufuli

told editors and reporters from various media houses.

He added that any shortcomings in the Bill could be amended in future.

"Let's get done and over with the Bill. If there are any amendments they would be dealt with in future," he noted. President Magufuli's statement was a great blow to media stakeholders who had hoped he would stall the passing of the Bill. Led by the Tanzania Editors Forum, stakeholders have been arguing that despite the fact that the Bill was prepared years ago the version sent to the Parliamentary Committee on Social Services in September this year had additions

and omissions that needed broader discussions and debates among stakeholders before submitting their proposals to the Committee.

One of the contentious issues is the omission of the clause that was included in earlier versions of the Bill that required private broadcasters to connect to the state broadcaster, TBC1, for the 8:00 pm news bulletin.

The Bill tabled yesterday in Parliament removed that specific clause but gave the minister responsible for Information powers to create regulations that would determine which news private media houses would be obliged to broadcast or publish.

Opposition 'mad' at proposed Info law

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High Court. He also said that publishers will no longer be liable for the content of newspapers that they will publish and their printing machines would not be seized as it was initially suggested by the Bill.

"Other changes will also be of relief to media owners and houses as liability of cases which will be caused by reporters will be punishable to the scribes themselves. Currently, the liability is assumed by the media house," he said. The amendments also are in the composition of the Accreditation Board which will include seven members of which four must be media practitioners of whom one will be the chairperson.

According to the new amendments, the Chief Justice will have to fast track hearing of defamation cases whereas under the proposed amendment he will have to set time limit for hearing

of such cases.

However, in sharp contrast, the shadow minister of Information, Mr Joseph Mbilinyi, told Parliament that the Bill was rushed to safeguard the interests of the government and that was why President John Magufuli yesterday openly said he was going to assent to it right away.

According to him, the proposed accreditation board will be used by the government to censor journalists so that it would remain with only those who would be publishing content that the government wants.

He also said that Bill was a clear indication that "the government has dictatorial tendencies and they dislike free media. This Bill is going to bankrupt media owners and jail reporters and editors. All in all, this Bill is aimed at destroying the media profession in the country." He also said that the Bill was going to kill citizen journalism because all social media platforms



Mwananchi Communications Limited (MCL) managing director Francis Nanai (right) explains a point to Information, Culture, Arts and Sports Development minister Nape Nnauye at Bunge grounds in Dodoma yesterday. PHOTO | EDWIN MJWAHUI

would require licensing and the contributors accredited. "Social media users across all platforms, from Twitter, Facebook and Instagram are going to be affected by this draconian Bill."

He also said the Bill through section 7 (1) (b) (iv) is also going to give the government a direct say on the content of private media, on issues that the government will deem to be of national importance.

"This section will make the minis-

ter of Information Nape Nnauye the country's Editor In Chief," he said.

He said the Bill also prohibits the publication of Cabinet issues even if a journalist came across a dossier that indeed proves that was a cabinet document. "It is prudent for this Section to be expounded and categorically state which sort of information is classified, leaving it the way it is now is going to be unconstitutional."

"The penalty proposed in this Bill is

very harsh, that is, if one is found guilty of an offence under it one would face a fine of Sh5 million up to Sh20 million or be jailed to a maximum of five years and not less than three years," he said.

He also said that the Bill reproduced the entire section on seditious offences from the Newspaper Act, 1976 which is going to be automatically repealed if the Bill is going to be passed into law.

"This is going to bury investigative journalism in the country," he said.

Media Services Bill undermines Magufuli's fight on graft

BY AIDAN EYAKUZE



Since coming to office 365 days ago, President Magufuli's actions have attracted both praise and criticism. Some criticise his attitude to democratic and constitutional rights, while others focus on his determination to cut wasteful expenditure and drive through some solutions to some long-standing problems.

Even the President's strongest critics, however, would probably express admiration for his commitment to addressing one problem in particular: corruption. And yet, while the government is showing an unprecedented resolve to "tumbua majipu", it risks seriously damaging an institution that has a proven track record – in Tanzania and across the world – at uncovering corruption: the media.

Without dedicated work by Tanzanian newspapers, the Escrow, IPTL, Richmond and BoT-EPA scandals would not have come to public attention. Without similar efforts of media around the world, corruption scandals such as that at FIFA, would probably never have been uncovered.

Nobody claims that the media is perfect, nor that it unearthed these scandals without help from other actors, nor that it gets it right on every issue. Nevertheless, without a free and independent media, efforts to tackle corruption would be almost impossible.

This is why the Media Services Bill,

currently under discussion by Parliament, is so problematic. It fails to recognise the value of free and independent media. And it threatens to fundamentally undermine the positive role the media can play.

There are four specific problems with the bill. Let's look at each in turn.

First, the Bill effectively does nothing to change the current situation where the government has complete control over the licensing of newspapers. At any time, the government will still be able to suspend or close any newspaper, without needing to give a proper explanation, without giving the newspaper an opportunity to defend itself, and without any role for independent judges to, a priori, assess the merits of the case. In the 1990s, the Nyalali Commission denounced similar arrangements in the 1976 Newspaper Act as being incompatible with a multi-party democracy and with the country's constitution.

Second, the Bill introduces a new form of licensing – this time for individual journalists. Nobody will be

allowed to practice journalism without accreditation from the government. Any journalist whose reporting is critical of the government – having uncovered a case of corruption, for example – could find their career evaporate. The mere worry that this might happen would be enough to persuade many journalists to ignore such a story.

Third, the Bill introduces some clear restrictions on the freedom of newspapers and other media to choose what stories to cover and how to cover them. Privately owned media, under the new Bill, will be required "to broadcast or publish news or issues of national importance as the government may direct". In other words, they could be directed to cover the stories the government wants them to cover and in the way the government wants them to be covered. This is a clear infringement on the right to freedom of expression. It will seriously undermine the media's ability to draw public attention to problems in government.

Fourth, the Bill has a heavy-handed approach to reporting that criticises others. It is established in international law that criticisms cannot be considered defamatory if they are true, or if they represent the writer's opinion. Sadly, this Bill allows journalists to be sued for libel where what they said is true, or where it is their personal opinion. Furthermore, the Bill has a very broad definition of 'seditious' that includes statements that could "raise discontent or disaffection". If this Bill becomes law, a journalist can be jailed simply because something they wrote might upset a few people. But journalism that doesn't upset anybody is not really journalism: it's advertising.

In its current version, this Bill is a clear and present danger to the independence of Tanzania's media, to our collective struggle against corruption and to our young democracy. Passing it, without fundamental changes, will cast a long shadow over all the good that President Magufuli's anti-corruption efforts have achieved.