

AFRICAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Africa



BOTSWANA 2018





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BOTSWANA 2018

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The African Media Barometer (AMB)

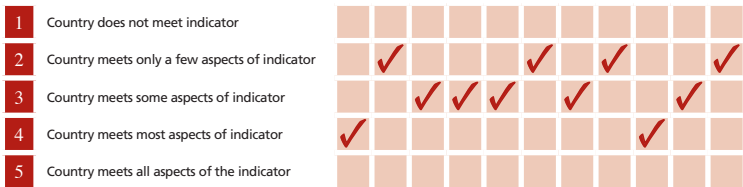
The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations like the Declaration of Principles on Freedom of Expression in Africa (2002) by the African Commission for Human and Peoples' Rights. The instrument was jointly developed by *fesmedia* Africa, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU-Declaration and other African standards as benchmarks. The recommendations of the AMB reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Stiftung (FES) in sub-Sahara Africa and into the advocacy efforts of other local media organisations like the Media Institute of Southern Africa.

Methodology and Scoring System

Every three to four years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1½ days they discuss the national media environment according to 39 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB report.

After the discussion of one indicator, panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:



The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

Outcome

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and – in SADC countries the Media Institute of Southern Africa (MISA) – only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

In 2009 and again in 2013 the indicators were reviewed, amended, some new indicators were added and some were replaced.¹

By the end of 2013 the African Media Barometer had been held in 30 African countries, in some of them already for the fifth time.

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¹ Consequently, the comparison of some indicators of previous reports is not applicable (n/a) in some instances in which the indicator is new or has been amended considerably. Furthermore sector scores are not applicable (n/a) as indicators have been moved.



See above 31 AMB Countries (2005-2018)

African Media Barometer

Botswana 2018

Summary

The provision for freedom of expression is explicitly guaranteed in Botswana's Constitution 'but there are no laws that breathe life into that particular right.'

Instead, there are a raft of laws with clauses that negate the constitutional guarantee of freedom of expression, including the Cinematography Act, the Public Service Act, the Media Practitioners Act, the National Security Act, the Cybercrime and Computer Related Crimes Act of 2007 and the Corruption and Economic Crime Act of 1994; Sections 50 and 51 of the Penal Code on seditious offences, Sections 90 to 92 of the Penal Code containing provisions on insult laws and Sections 192 to 199 of the Penal Code providing for criminal defamation.

'It is a mark of authoritarianism when you have a whole list of legal instruments that take away what the Constitution attempts to entrench...' quipped one panellist.

The more insidious threat to freedom of expression, however, is the culture of fear and apprehension that has permeated through society over the last decade.

Citizens were wary of being spied on by their friends, neighbours, peers and colleagues who could inform on them. This fear of informers stemmed from the ruthless manner in which the former President dealt with dissenters. From the time former President Khama took office, through succession in 2008 and election in 2009; there have been reports of alleged extra-judicial killings, torture and harassment of members of the public by agents from the Directorate on Intelligence and Security Services (DISS). The media sector was not spared – there have been numerous reported cases of journalists and media houses being harassed, threatened, assaulted and arrested.

The intimidation of citizens began a year into former President Khama's leadership, when he established the spy agency – DISS – with loosely defined powers and directly answerable to him. Intolerant of opposing views, former President Khama allowed DISS wide-ranging powers to arrest, seize and detain without warrant; all of which was legitimised by contents of the Intelligence and Security Services Act of 2007.

DISS, together with the anti-corruption agency – the Directorate on Corruption and Economic Crime (DCEC) – operated in a seemingly partisan manner to protect the interests of members of the Botswana Democratic Party (BDP) elite. Instead of acting as separate entities, the two agencies seemingly acted in concert to squelch certain high-profile cases involving political elites.

Allowing corruption to continue unchecked amongst the political elites and beneficiaries has resulted in intimidation, threats and litigation against journalists working on investigative stories.

Besides the climate of fear, newsrooms are politicised to such an extent that media houses are openly declaring alignment to specific political parties. This partisanship is also apparent in the civic space, where public discourse is divided along party lines. This division is so extensive that lack of open support for a party is automatically understood as support for an opposing party.

Media diversity, particularly in the broadcasting sector in Botswana, is hampered by its laws. The abolished Broadcasting Act of 1998 allowed for three tiers of broadcasting: private, public and community broadcasters. Conversely, the new framework under the Communications Regulatory Act of 2012, which establishes the Botswana Communications Regulatory Authority (BOCRA), only allows for two types of broadcasters: commercial broadcasters and state broadcasters. Community broadcasting is glaringly absent.

The biggest threats to media platform sustainability, and in turn, diversity, are deteriorating professional standards and reduced advertising spending – both of which are pitted against Botswana's declining economy. Media newsrooms are understaffed and under-resourced with a direct impact on the quality of reporting. Experienced media practitioners are overlooked for senior positions and are being replaced by less experienced staff with lower salary demands.

Of particular concern is the diminishing audience for media products. In spite of Botswana's reputation as a financial powerhouse on the African continent, the rate of unemployment is steadily increasing while the job market shrinks. These factors culminate into a more discerning public audience which, due to financial reasons, are turning to more accessible media platforms. The average cost of a newspaper is 10 Pula (BWP) (1 USD) while a loaf of bread costs between 5 and 10 BWP (between 0.50-1 USD), making public print media unaffordable for many. Radio has the highest reach and is the most accessible media platform for the majority of citizens.

The circulation of privately-owned weekly newspapers 'has gone terribly...', averaging a print-run of 15,000 print copies with *The Voice* leading with a print-run of around 20,000. Newspapers are almost exclusively available in English and in urban areas, with their accessibility to the wider public outside these domains limited. It may take up to a day after the publication date of a newspaper for it to arrive in areas as little as 40 kilometres (km) from the capital. 'Even the distribution network had to be cut down because of the expenses...'

The ability to address critical issues of national concern for members of the media is made more difficult by the lack of cohesion. The inability to form professional media lobby associations due to a variety of factors makes a concerted effort to address issues of poor working conditions and declining professional and ethical standards very difficult; the media sector is grappling to survive.

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SECTOR 1:

**Freedom of expression, including
freedom of the media, is effectively
protected and promoted.**

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LEGISLATION QUESTIONS INTERNET CONCEPT PRINCIPLE DECLARATION
DIFFERENT LIMITED WRITTEN CAPACITY CRITICISM IMPARTING PROTE

Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

Freedom of expression is enshrined in Article 12 of the Constitution, but there are no laws that ‘breathe life into that particular right.’ Article 12 (1) states that:

Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his or her correspondence.

The right to media freedom is not guaranteed in the Constitution, nor are there any specific laws which uphold this right. The National Security Act on seditious offences, as provided for under Section 50 and 51 of the Penal Code and the Media Practitioners Act of 2008, among other laws, can be used to restrict freedoms of expression and the media.

The Constitution restricts limitations of freedom of expression in Section 12 (2):

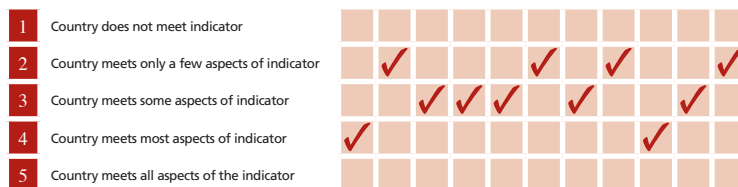
- a) when ‘reasonably required in the interests of defence, public safety, public order, public morality or public health.’

Section 12(2) further allows for the following ‘reasonably justifiable’ limitations:

- b) for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating educational institutions in the interests of persons receiving instruction therein, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless, broadcasting or television; or
- c) that imposes restrictions upon public officers, employees of local government bodies, or teachers, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Scores:

Individual scores:



Average score:

2.8 (2005 = 2.6; 2007 = 2.3; 2009 = 1.9;
2011 = 2.7; 2014 = 3.7)

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

Freedom of Expression under Surveillance

Since Lieutenant General Seretse Khama Ian Khama stepped down as the serving Botswana State President on 1 April 2018, there has been little change in the restrictive atmosphere of the preceding decade.

Free expression is a 'right that has been taken away for the past ten years...'², the 'military junta has invaded our space, people were shot...'. All of this has resulted in a prevailing 'sense of fear and uneasiness' among journalists and the wider public, who are afraid of communicating openly, 'even in our bedrooms.'

Citizens were afraid of being spied on by their colleagues, peers and neighbours. 'People went quiet because of mistrust...'

'If at least these people would wear uniforms,' then it would be easier to be aware of who is a threat.

'I was very sceptical around people that I do not know...in fact, even people that I knew.'

The atmosphere of mistrust and trepidation, alongside inherent self-censorship, had far-reaching ramifications for the availability and dissemination of vital public information; such as the shortage of medication for diabetics, fearing negative repercussions for sharing such information.

The widespread agitation did not seem without precedent. Following the passing of the Intelligence and Security Services Act in 2007, the DISS was created in April 2008 (under the previous administration), on the same day that Ian Khama

² In reference to Ian Khama's 10-year presidency, which ran from 2008 to 2018.

became the head of state. The powers of the Directorate were never very clearly defined, leaving room for their misapplication.

‘At many occasions,’ the former Director General of the Directorate publicly stated that ‘my officers are everywhere.’ At one point the then Minister of Home Affairs made a public announcement that incognito intelligence officers/police would be sent to the so-called ‘fire churches’³ which ‘mushroomed’ a few years ago. This statement instilled even more fear among the Batswana.

During a public health rally designated as a ‘neutral environment’ organised by the Botswana Council of Churches (BCC), rumours spread that DISS officers were present, which caused ‘the atmosphere to change completely...people started being very cautious...’

In another incident, a DISS official revealed himself as an intelligence officer during a workshop on gender issues; ‘they are everywhere...’

In April 2018, former Minister of Mineral Resources, Green Technology and Energy Security, Sadique Kebonang, at a Public Accounts Committee (PAC)⁴ session investigating the National Petroleum Fund (NPF) money laundering case,⁵ acknowledged that ‘...we all fear the DISS.’

In their attempt to circumvent possible surveillance, high-level officials from government prefer to talk to their lawyers through ‘WhatsApp’, explained a panellist.

Freedom of Expression and the Media

‘The media space had been closed by the former president [Ian Khama].’ Besides the government media, privately-owned media houses exist but there is ‘little freedom.’ It is felt that private media does not have the freedom to publish what the government may be ‘unhappy about.’

Due to an underlying fear, all private radio stations air a disclaimer noting that the views expressed during their programmes are not necessarily in line with the views of management, presenters and advertisers. ‘Domkrag’,⁶ had programmes that are ‘a waste of money and time but we can’t say that. Public criticism of the government will lead to dismissal.’

In 2017, three journalists from the INK Centre for Investigative Journalism looking into allegations that former President Ian Khama was using the Botswana

3 ‘Vibrant and promised filled evangelical churches started and led mainly by self-proclaimed prophets and apostles...’ Source: <http://www.thegazette.news/mainline-churches-into-the-fire/>.

4 A parliamentary committee with the mandate to examine the accounts of government departments and associated bodies.

5 Asset manager Bakang Seretse and other business associates are accused of defrauding the National Petroleum Fund (NPF) of more than US\$25 million. Former President Ian Khama and then Vice President (now President) Mokgweetsi Masisi allegedly benefited from the money.

6 *Domkrag* means ‘stupid power’ and is used as derogatory term for the ruling Botswana Democratic Party (BDP).

Defence Forces (BDF) to renovate his private residence were blocked by security agents when they attempted to visit the home and warned that they would be shot if they would ever dare to return.

In another incident, the hotel room of Al Jazeera journalists covering a story in Botswana was broken into and their materials stolen the night before their departure, preventing them from publishing the story. The local 'fixer' the Al Jazeera reporters had hired was 'known to be DISS.'

Freedom of Expression in a Partisan Environment

Besides of the climate of fear 'partisan politics have hogged that [freedom of expression] space.' The media tend to report 'on topics in a partisan way.' Media practitioners dealing with a precarious job market make choices between their professional ethics or 'being hungry', and therefore 'fear to express themselves in a manner that a journalist should' so as not to jeopardise their private business endeavours and access to government tenders.

'Newsrooms are so politicised' with media houses 'aligning themselves to specific political parties.'

'An editor was flushed out as a DISS officer' by another paper, explained a print editor; even in their 'own newsroom [they] cannot operate freely.'

Generally, in the public space, the 'discourse is divided' along party lines. The lack of open support for a party was automatically seen as opposing the party. Citizens went as far as to refrain from supporting a movement for improved service delivery if such a campaign was organised by the 'wrong' party.

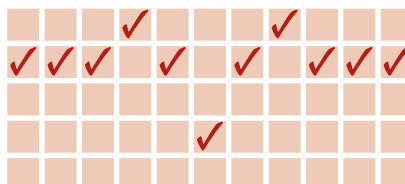
Freedom of Expression Exercised

Despite all of this, some people appeared confident enough to share information on air and online, which most would be afraid to share. Journalists/presenters who do so are however, 'often not taken seriously.' Generally, citizens feel freer to express themselves via social media platforms 'but they are watched.'

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score:

**2.0 (2005 = 1.9; 2007 = 1.9; 2009 = 1.3;
2011 = 1.8; 2014 = 2.6)**

1.3 There are no laws or parts of laws restricting freedom of expression such as excessive official secret, libel acts, legal requirements that restrict the entry into the journalistic profession or laws that unreasonably interfere with the functions of media.

There are several laws that negate the constitutional guarantee of freedom of expression. Amongst these are the Cinematography Act, the Public Services Act, the Media Practitioners Act, the National Security Act, the Cybercrime and Computer Related Crimes Act of 2007 and the Corruption and Economic Crime Act of 1994; Sections 50 and 51 of the Penal Code on seditious offences, Sections 90 to 92 of the Penal Code containing provisions on insult laws, and Sections 192 to 199 of the Penal Code providing for criminal defamation.

'It is a mark of authoritarianism when you have a whole list of legal instruments that take away what the Constitution attempts to entrench. According to my last count, there are about five pieces of legislation that take away what the Constitution attempts to guarantee, so that in the end there is hardly any freedom of expression,' pointed out one panellist.

While most laws have not been used; citizens have, however, been charged with sedition. Alleged defamation usually results in civil cases or administrative action, due to the fact that criminal cases are lengthy; 'if you wait for the criminal case to take its course and complete...you may close the door' for disciplinary action which 'must be taken within a reasonable period of time.'

The standards of proof in a civil case are also lower. 'If, for instance, a person is not found guilty by the court of law that doesn't necessarily mean that the person will not be found liable in a civil case.'

In 2016, Sonny Serite, a freelance journalist 'who was found in possession of a 'stolen file,' was arrested by the DISS for obtaining documents that allegedly contained state secrets from government employee Abueng Sebola. It was alleged that the file contained documents with personal information on Tsaone Nkarabeng, one of Khama's personal secretaries at the time.⁷ Both alleged perpetrators 'spent a weekend in prison...and they [later] appeared in court and were given bail. I understand an administrative decision was taken against the [government] employee,' recalled a panellist.

Sebola and Serite were charged under Section 317 of the Penal Code, which contains provisions for receiving stolen property.⁸ The charges against Serite were

7 <http://amabhungane.co.za/article/2016-03-22-botswana-intelligence-detain-journalist-after-corruption-stories>.

8 <http://amabhungane.co.za/article/2016-03-22-botswana-intelligence-detain-journalist-after-corruption-stories>.

eventually dropped, whilst the charges against Sebola were changed to abuse of office.⁹ The outcome of the case against Abueng Sebola is unknown.

Under the Public Service Act of 2008, 'there is a process which forbids public employees from sharing documents and information with any other person unless they are authorised to do so.' Additionally, all public servants are required to sign a form swearing them to secrecy for several years after they have left civil service employment. Soldiers are sworn to secrecy for life.

Journalists have to register under the Media Practitioners Act, which was adopted 'as an attempt to improve journalistic standards or to make sure that...the right people can practice.'

'There are very clear criteria for registration: qualifications and the authority of the minister [of information] amongst other things. A minister is able to impose sanctions on a journalist or prevent the practitioner from practising...or even sanction the institution [the journalist] works for, for allowing the practitioner to produce an [unfavourable] article.' Under the law – fines and/or imprisonment can be imposed on journalists.

'One of the things that we were quite against was the idea that there were... minimum entry standards...educational qualifications for you to become a practitioner.'

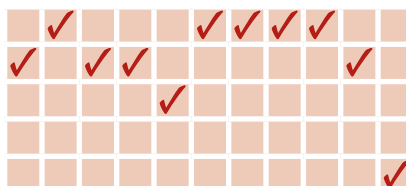
The Media Practitioners Act of 2008 has however not yet been implemented. 'While we may be feeling comfortable now because it has not been implemented, we should be worried for the future.'

Failure to implement the Act is a direct result of the Law Society's refusal [as a sign of protest] to appoint a legal practitioner to chair the Appeals Committee, as required by the law.

Scores:

Individual scores:

1	Country does not meet indicator
2	Country meets only a few aspects of indicator
3	Country meets some aspects of indicator
4	Country meets most aspects of indicator
5	Country meets all aspects of the indicator



Average score:

1.9 (2005 = n/a; 2007 = n/a; 2009 = n/a; 2011 = n/a; 2014 = 1.6)

9 <http://www.mmegi.bw/index.php?aid=66970&dir=2017/february/27>.

1.4 The Government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

Botswana has signed several international and regional instruments such as the Windhoek Declaration and the African Charter on Human and Peoples’ Rights.

Botswana has a dualist system, ‘whereby signing and ratifying international instruments do not give those [instruments] local applicability.’ For the treaties and protocols to be binding and apply locally, the government ‘has to domesticate and make these instruments part of the law.’

‘We can shine internationally and look good but when we get home’ these commitments are easily forgotten.

‘We never get to know what has been signed internationally, we only know by chance if we get invited to some of the [international] seminars or conventions.’

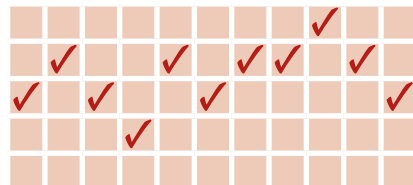
‘Government also takes advantage of us in the media “being ignorant” of our legal rights.’ Therefore, the media and the public will often be unaware of international protocols relating to their sector. Hence, they will not be able to advocate for the domestication of such protocols and regulations to hold government accountable.

Even if action is taken, it is usually purely cosmetic, as was the case with the establishment of the Botswana Ombudsman who ‘is powerless in many ways’ and therefore does not have any real impact.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

2.4 (2005 = n/a; 2007 = n/a; 2009 = 1.3; 2011 = 1.6; 2014 = 1.9)

1.5 Print publications are not required to obtain permission to publish from state authorities.

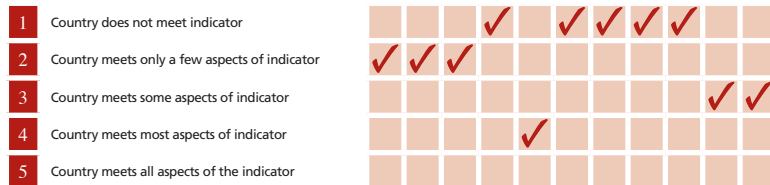
Print publications are required to register with the Postmaster General of the Post Office, which is a requirement ‘inherited from colonial days.’ The regulation

is now used to 'give the Postmaster General the authority to seize a publication not properly registered.'

It is further speculated (although some panellists felt certain) that an application has to go through DISS vetting first. What is true and an often occurrence is that representatives of government, ie DISS, will seek out information from lawyers about citizens who apply for employment, tenders, company registration etc. 'Foreign journalists coming into the newsroom have to be vetted by the DISS.'

Scores:

Individual scores:



Average score:

1.9 (2005 = n/a; 2007 = n/a; 2009 = 1.0;
2011 = 1.4; 2014 = 1.9)

1.6 Confidential sources of information are protected by law and/or the courts.

'There has been a law [the Whistleblowing Act] that was passed [in 2017] that deals with protection of sources...a law that is supposed to protect whistle-blowers but...this [Act] is the actual opposite of what practitioners or civil society would expect of it.'

'In theory' the Corruption and Economic Crime Act is meant to protect sources of information 'but in practice, they are not protected.'

Under the law, before 'you intend to reveal secrets, you are required to initially report the matter to the police and the DCEC [Directorate on Corruption and Economic Crime]. This is supposed to ensure your protection, but instead, it is a more a case of, "I am a secret source, but here I am." This means a whistle-blower is legally forced to reveal his/her identity and subsequently is not offered any protection.

In a case where a potential whistle-blower passes information to the media without seeking and getting permission to do so, they will be 'dealt with immediately.'

'You can be a whistle-blower reporting to the security system, but not to the media.'

There have been instances where people who ‘reveal information to benefit the nation, will find they are compromised as a result of doing that.’

‘The DCEC has found a way of informing the corrupt people’ who in turn threaten the whistle-blowers.

In March 2018, the DCEC found 50,000 BWP (4,900 USD) in cash in the dustbin of a house belonging to the Minister of Land Management, Water and Sanitation Services: Prince Maele.¹⁰ ‘Before we ran the story...the minister called the reporter and said, “I heard from your colleague who informed me that you are running a story and he is going to stop it.”’ This incident exemplifies that ‘it is not just in government that people are compromised, but within our own newsrooms; this has been happening quite frequently.’

Sources are not protected within the newsroom, regardless of the size of the media outlet; this requires journalists to be cautious in their work and to contemplate what to reveal to co-workers. ‘There is a lot of mistrust between them [journalists]...with some of them serving as sources to the culprits their media houses are planning to report on.’

A media practitioner described the general atmosphere in the newsroom and beyond as being ‘a prison, you can’t hide.’

Regarding the protection of sources, some believe that ‘prior to the enactment of this law there was some element of protection in the courts.’

According to a panellist, ‘Information “for the public good” could be made available freely, as established in *the Guardian/Sun* case.’¹¹

The publication of stories on the *Tholwana-Borethe* report (which was later revealed as fake) was ‘allegedly authored by some editors.’ The incident resulted in editors being ‘taken to the police station...to be interrogated,’ in an attempt to reveal and charge the alleged author. The identity of the author has not yet been disclosed.

The report was leaked to media houses in July 2017; it alleged that the DISS was running a secret operation codenamed *Tholwana-Borethe*, intended to disrupt unity within the opposition party prior to the 2019 election.

During the 2014 elections, ‘some of us whose family [members] were contesting on the opposition side’ were affected by break-ins. ‘Break-ins were happening

10 The Minister was then questioned by the DCEC, after which he published a statement denouncing his knowledge of the money found, suggesting that someone might have ‘planted’ it to discredit him. Source : <http://www.mmegi.bw/index.php?aid=74839&dir=2018/march/12>.

11 In a 2001 case brought by the *Botswana Guardian* and the *Midweek Sun* against the President’s instructions to withdraw all advertising from these newspapers. The decision for the advertising ban was taken after the publication of an article in the two newspapers, accusing then Vice-president Ian Khama of having abused his authority. The High Court ruled that a ban based on specific stories that were published, violated the papers’ right to freedom of expression, as the withdrawal was used as a measure to influence editorial policies. (Source: SADC Media Law: A Handbook for Media Practitioners. Volume 2).

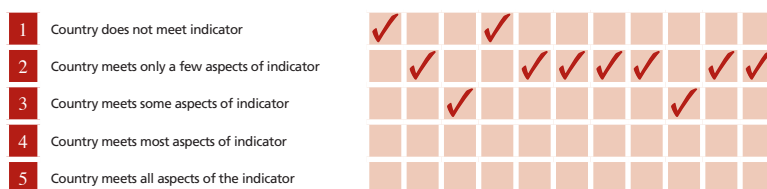
in journalist homes, in politician's homes, [and] trade journalists and lawyers' homes because it was believed that valuable information could be found on their laptops, computers and other devices.'

Panellists believe that there have been 'accidents, disappearances and killings' against potential sources of information, but 'we do not have proof.'

In such a restrictive environment, many Botswana 'would rather die silently' than speak out and risk their lives, health or property. Citizens are afraid to come forward 'because they don't feel they are protected.'

Scores:

Individual scores:



Average score:

2.0 (2005 = 1.1; 2007 = 1.1; 2009 = 1.0;
2011 = 1.2; 2014 = 3.1)

1.7 Public information is easily accessible, guaranteed by law, to all citizens.

The constitutional guarantee of freedom of expression includes the 'freedom to receive ideas and information without interference' and the 'freedom to communicate ideas and information without interference.' This has been interpreted to mean 'access to information.'

However, there is no law that enables or guarantees a citizen's access rights to such public information. 'If anything, Botswana is very secretive.' It appears that 'everything is confidential.' 'Unless it [public information] has been declassified, people will avoid openly discussing it.' The fact that government employees are sworn to secrecy impedes accessibility of such information. In this secretive environment, 'journalists end up speculating in desperation caused by the lack of access to information.'

The government introduced public relations officers into government departments who in practice are 'used as a buffer' to information access.

Several years ago, while answering a question in Parliament, then vice-president and current President Masisi promised that government would draft an access to information bill. At the same time, he added the provision that the issue of data protection would have to be addressed first. Data protection issues have

repeatedly been raised in an attempt to justify that access to information laws could violate people’s privacy.

Additionally, the government is said to have tried to impede opposition parties from ‘presenting popular pieces of legislation’, (as Private Members Bills) to ‘prevent them from gaining popularity,’ hence drafting processes are taken over by the government.

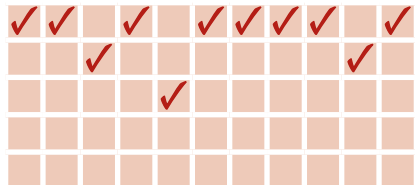
A process as simple as a passport renewal requires citizens to go through a lengthy process to certify their identity, impeding the accessibility of personal information and documentation.

On a positive note, some government and public institutions, especially in the rural areas, provide information on their services: as their duty demands.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

1.4 (2005 = 1.0; 2007 = 1.1; 2009 = 1.1; 2011 = 1.3; 2014 = 1.6)

1.8 Websites, blogs and other digital platforms are not required to register with or obtain permission from state authorities.

Online platforms are not required to register or obtain permission from authorities, ‘but that doesn’t mean that there is no interference.’

The Cybercrimes and Computer Related Crimes Act places the ability and power in the state ‘to disrupt operations and seize any associated assets’ however, online content producers do not require registration.

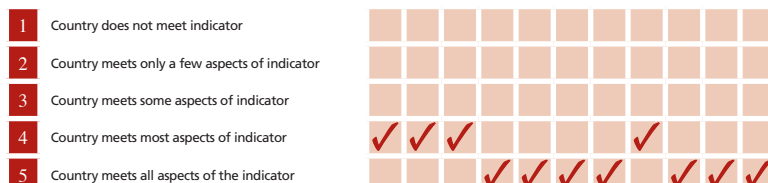
Online radio broadcasters ‘are not allowed.’

Several years ago, a group of youth considered starting an online radio station, as they felt that the official broadcaster registration process would be unsuccessful. They were told that if they were to start operating online they ‘would be arrested.’

However, *Radio ICE100* is an online station, which ‘I think is not registered *per se*, but the BOCRA is aware of the radio station.’ It is assumed that some kind of agreement exists because the law is silent on online radio stations.

Scores:

Individual scores:



Average score:

4.6 (2005 = n/a; 2007 = n/a; 2009 = 1.0; 2011 = 2.7; 2014 = 5.0)

1.9 The state does not seek to block or filter Internet content unless in accordance with laws that provide for restrictions that serve a legitimate interest and are necessary in a democratic society, and which are applied by independent courts.

Under the amended Cybercrime and Computer Related Crimes Act, ‘the wider impact on the right to privacy seems to be somewhat taken away from users of the internet’ because the state is given the power to monitor online activities and purely ‘on suspicion.’

The amendments to the Act, which will include issues of cyberbullying, have yet to be signed into law by the president.

‘A good part of the law’ was developed under the “pretext” that it protects people from exposure to indecent material.’ According to the Act, revenge porn is identified as a crime that is protective of (potential) victims. Yet, the majority of clauses contained in the law appear rather oppressive than protective.

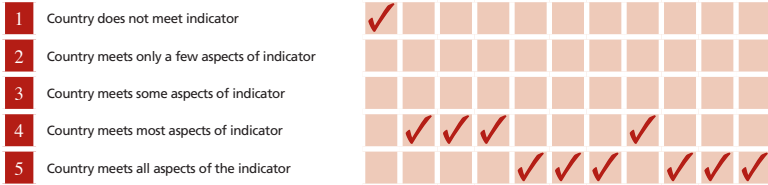
There have also been instances where websites of media houses were hacked but it is not known by whom. Suspicion is prevalent that there have been intentional temporary blackouts during ‘hot potato’ discussions, ‘you know that there is interference on your platforms.’

A panellist with a differing opinion explained that ‘the law seeks to entrench the right to privacy’ to ensure that what happens in people’s private spheres remains so and that the law is not ‘necessarily meant to deal with issues that are not of an intimate nature.’

At the date of publication of this report, the law has not been utilised to block or filter Internet content.

Scores:

Individual scores:



Average score:

4.3 (2005 = n/a; 2007 = n/a; 2009 = 1.0; 2011 = 3.1; 2014 = 4.1)

1.10 Civil society in general and media lobby groups actively advance the cause of media freedom.

Over the past two years, both civil society and media organisations have experienced ‘serious problems.’ In fact, civil society has been through a turbulent period in the last 10 years. The Media Institute of Southern Africa (MISA) has just been ‘resuscitated’ while the Press Council for Botswana has collapsed. The Radio Broadcasters Association and other organisations exist but are barely functional. In general, civil society groups across the board are incapacitated and unable to advance their causes due to a restrictive environment and the lack of funding. Only a few trade union organisations and civil society groups focussing on Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex (LGBTQI) or Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome (HIV/AIDS) issues have been able to maintain a degree of activeness. Despite this disintegration of civil society, there were occasions where ‘people stood up’ for media freedom.

When homophobic United States (US) Pastor Steven Anderson proclaimed that all homosexuals should be killed during a morning chat show on the privately-owned radio station *Gabz FM*, there was quite a backlash. The public called for a wide-ranging boycott on the radio station. According to panellists, the outrage was partly due to the suspicion that content and opinion on several of the radio station’s programmes, especially the morning show, were influenced by people outside the radio station and working in government. *Gabz FM* had to prove that it was not partisan and that their management and programming was not influenced by the ruling party.

The public announcement made by opposition parties, trade unions and civil society organisations (CSOs) of their decision to boycott the radio station on the grounds that they could not support a ‘biased’ media outlet was regarded as activism for the advancement of the freedom and independence of the media.

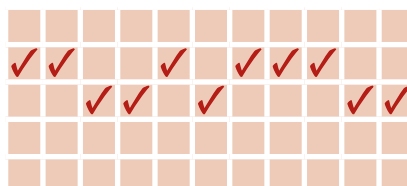
Back in the early 2000s, media organisations played an active role in shaping the media landscape towards a more democratic system. MISA at that time, promoted ‘a general atmosphere of active citizenship and accountability.’ During this time government, albeit reluctantly, acknowledged that MISA was a partner that one could work with.

Vigorous campaigning for political and social change was followed by a decline in activism under the Khama administration, and the previous momentum has since not been restored.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score:

2.4 (2005 = 2.4; 2007 = 2.8; 2009 = 2.2;
2011 = 4.1; 2014 = 2.3)

1.11 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Media legislation has been publicised in several media outlets, but stakeholders were ‘hardly ever consulted’ during legislation. Government would hold *kgotla* (public community) meetings with known disadvantaged groups such as elderly people to provide the necessary knowledge and information, so that they may provide constructive input to the legislative process. The government would then claim that there have been consultations. ‘In this country, there are no meaningful avenues to interrogate laws or legislative processes: laws will “pass silently.”’

Admittedly, the media fraternity rarely includes other stakeholders in the drafting process of laws initiated by them.

At one point, however, MISA, the Press Council and other stakeholders crafted ‘a model information bill with the help of some parliamentarians.’ During this process, efforts were made to ‘include stakeholders and civic groups’ in drafting a bill for an access to information law. When the draft bill was tabled in Parliament as a Private Member’s Bill, the process was stopped. The feedback received was that it is only the Attorney General’s Office which was mandated to craft laws.

The Constitution provides for Members of Parliament to ‘present bills on their own without having to wait for the Executive.’ Despite the fate of the draft access to information bill, there were previous instances when two Private Members’ bills were passed by Parliament. The two bills were: the Domestic Violence Bill – which is now unpopular with certain gender advocates – and a bill to reduce the age of majority from 21 to 18.

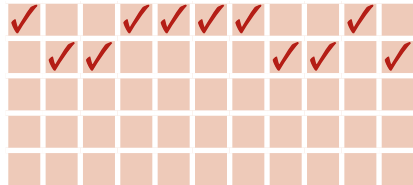
Recently, there was a bill before Parliament seeking to change the age of sexual consent from 16 to 18. Government drafted a bill and civil society ‘came up with a model law’ amending the bill that was put before parliament, which ‘succeeded because we got a Member of Parliament to provide notice of the amendment.’

These positive examples, it was argued, were only successful because parliamentary support for Private Members’ Bills or proposed amendments came from the ruling BDP; and not from opposition parties.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

1.4 (2005 = n/a; 2007 = n/a; 2009 = 1.2; 2011 = 2.0; 2014 = 1.4)

Overall score for sector 1:

2.5

TELEVISION SPEECH COMMUNICATE BROADCAST RIGHTS INFORMATION R
EXPRESSION DEBATE SATELLITE SUPPRESSION NEWS LIMITATIONS TRUTH P
TRANSLATION BOOKS MAGAZINES HONEST EFFICIENCY REPORTS INTERV
PRESS DOCUMENTS FREEDOM PUBLICATIONS LEGISLATION QUESTIONS INTE
CONCEPT PRINCIPLE DECLARATION FAIR DIFFERENT LIMITED WRITTEN CAPA
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SELF-RESTRAINT GIVEN ORDINARY PUBLIC DETERMINE RECEIVING PARLIAM
INTERACTION NATIONAL OPPORTUNITY UNLICENSED INVOLVED RESP
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CONTROL ACCESS MEDIA ANSWERS LAWS MEDIUM THOUGHT CON
ACCESSING INDIVIDUAL PRIVACY IDEAS ESSENTIAL RELIABLE PURPOSE T
TELEVISION SPEECH COMMUNICATE BROADCAST RIGHTS INFORMATION R

SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.

INTERNET CONCEPT PRINCIPLE DECLARATION FAIR DIFFERENT LIMITED WR
CAPACITY CRITICISM IMPARTING PROTECTION LINKED MONITORING POLI
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THOUGHT CONTENT ACCESSING INDIVIDUAL PRIVACY IDEAS ESSE
RELIABLE PURPOSE PRESS TELEVISION SPEECH COMMUNICATE BROAD
RIGHTS INFORMATION RADIO EXPRESSION DEBATE SATELLITE SUPPRES
NEWS LIMITATIONS TRUTH PAPER TRANSLATION BOOKS MAGAZINES HO
EFFICIENCY REPORTS INTERVIEWS PRESS DOCUMENTS FREEDOM PUBLICA
LEGISLATION QUESTIONS INTERNET CONCEPT PRINCIPLE DECLARATION
DIFFERENT LIMITED WRITTEN CAPACITY CRITICISM IMPARTING PROTE

The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) is accessible and affordable to citizens.

Print Media

The only daily newspaper is the state-owned *Daily News*, which is bilingual (English, Setswana), has a print-run of about 65,000, and is distributed for free across the nation. It needs to be noted that, 'the *Daily News* is more of a government information dissemination paper than a proper newspaper.'

Weekly newspapers include the *Botswana Guardian*, *Botswana Gazette*, *Weekend Post*, *Mmegi*, *The Monitor*, *The Voice*, *The Patriot on Sunday*, *The Business Weekly*, *Echo*, *Midweek Sun*, *The Weekly Review*, *The Telegraph* and the *Sunday Standard*. These privately-owned weekly newspapers are published in English; their circulation 'has gone terribly', averaging a weekly print-run of 15,000; with *The Voice* leading the pack with an average print-run of around 20,000.

Newspapers are almost exclusively available in urban areas and in English, their accessibility to the wider public outside of these domains is limited. It may take up to a day after the publication date of a newspaper for it to arrive in areas as little as 40 km from the capital. 'Even the distribution network had to be cut down because of the expenses...'

The average cost for a newspaper is 10 BWP (1 USD) while a loaf of bread costs between 5 and 10 BWP (between 0.50 and 1 USD), making public print media unaffordable for many in the public sphere.

Broadcasting

'In 2007 private broadcasters gained the ability to apply and hold national broadcasting licences which were previously only awarded on a regional basis.' Originally, only state media was available nationally.

Presently, three radio stations – *Gabz FM*, *Duma FM* and *Yarona FM* – air their programmes nationwide, which is regarded as 'allowing for greater contribution by people in the rural areas.'

Radio has the highest reach and is the most accessible media for the majority of citizens. A panellist explained that his observation was that the majority of the 'rural population rely on state public radio broadcasting services as their stations

are considered the most easily accessible.’ Hence, the sector is dominated by the two state-owned stations *Radio Botswana 1* (RB1) and *Radio Botswana 2* (RB2). The popularity of state media among people living in the rural areas may have something to do with the president having proclaimed publicly that he neither reads, listens to nor trusts the private media.

The state television station *Botswana Television* (Btv) is the main television (TV) station in the country, with almost the same reach of ‘about 45%’, as the state radio stations.

The one private TV station, *eBotswana*, broadcasts only in the capital and its surroundings for which viewers require a set-top box to receive its signal. The new youth channel, *Now TV*, tends to run only for three hours a day once broadcasting has started.

In its 2017 Annual Report, BOCRA shared the following official figures for commercial broadcasting population coverage in 2016/2017:

‘For commercial terrestrial FM radio, *GABZ FM* had the highest population coverage recorded at 59.39% of the population of Botswana. *Yarona FM* 40.49% and *Duma FM* covered 66% of the population of Botswana. *eBotswana*, a commercial terrestrial television provider, covered 22.9% of the population (Gaborone only, consistent with its licence).’¹²

Mobile Phones

The cost of smartphones is extremely high and the mobile network coverage is not optimal in rural areas, making it difficult to receive a signal.

Despite the high cost of smartphones, mobile penetration is assumed to be ‘very high.’ One service provider ‘claims to have 2 million subscribers.’ The notion that penetration is high is based on the purchase of Subscriber Identity Module (SIM) cards, with each sale being counted as one subscriber; yet there are individuals who own more than one phone. In reality, the actual penetration is unknown.

In its 2017 Annual Report, BOCRA counted 3,226,389 mobile subscriptions (a 6,8% decline from the previous year)¹³ and estimated in 2016 ‘that the mobile telephony networks cover at least 95% of the population with varying network capabilities of 2G, 3G and 4G.’¹⁴

Internet

Internet access is extremely expensive. One hour of internet use costs 10 BWP (1 USD), and a Wi-Fi subscription, limited to two gigabytes (GB), has an average cost of 450 to 500 BWP (44-49 USD) per month.

¹² <http://www.bocra.org.bw/sites/default/files/documents/BOCRA%20AR%202017%20DIGITAL%20FINAL.pdf>.

¹³ <http://www.bocra.org.bw/sites/default/files/documents/BOCRA%20AR%202017%20DIGITAL%20FINAL.pdf>.

¹⁴ www.bocra.org.bw/bocra-annual-report-2016.

According to the BOCRA the Internet update in the fixed broadband category is as follows:

'In the fixed broadband category, BTCL [Botswana Telecommunications Corporation Limited] offers Asymmetric Digital Subscriber Line (ADSL), while Orange Botswana offers a fixed wireless broadband service named Konnecta.'

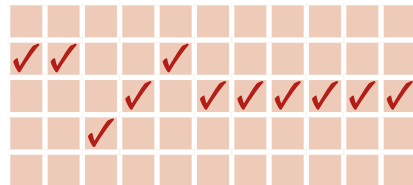
ADSL subscriptions between March 2016 and March 2017 increased by 68.4% from 35,394 subscriptions to 59,590 subscriptions. The number of subscriptions for the Orange Botswana fixed wireless internet increased by 183%, from 3,180 to 8,997.¹⁵

Mobile internet penetration was estimated at 1,404,065 in 2017.¹⁶ Mobile internet prices, according to BOCRA, range from 9.50 BWP (0.9 USD) for 15 megabytes (MB) of data to 1,399 BWP (137 USD) for ten GB of data.¹⁷

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score:

2.8 (2005 = 2.2; 2007= 2.8; 2009= 2.3; 2011= 3.1; 2014 = 3.1)

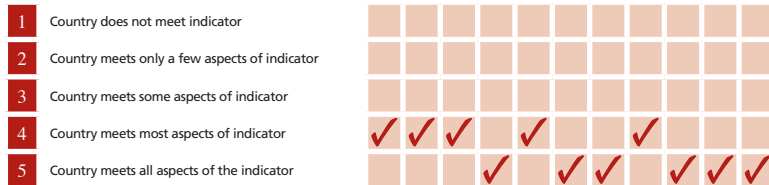
15 <http://www.bocra.org.bw/sites/default/files/documents/BOCRA%20AR%202017%20DIGITAL%20FINAL.pdf>.
 16 <http://www.bocra.org.bw/sites/default/files/documents/BOCRA%20AR%202017%20DIGITAL%20FINAL.pdf>.
 17 Ibid

2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

The panel unanimously agreed that access to domestic and international media sources is not restricted by state authorities.

Scores:

Individual scores:



Average score:

4.5 (2005 = 4.5; 2007 = 4.8; 2009 = 3.0;
2011 = 4.8; 2014 = 5.0)

2.3 The editorial independence of print media published by a public authority is protected adequately against undue political interference.

Editorial independence within government media institutions is non-existent.

An editor recalls a statement from a former minister: 'These people you call journalists are not journalists, they are government employees.' Similar statements have been made by government representatives 'so many times,' that there is no question about the state media's allegiance to the ruling BDP party.

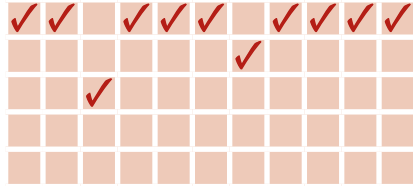
In fact, the official title of state media journalists is 'information officers' and they 'are governed by the Public Service Act.' Print media falls under the government's Department of Information Services, which is responsible for the printing of the state newspaper and magazine (Kutlwano) and answerable to the deputy permanent secretary of the office of the president.

Government media occasionally seek out independent and diverse sources, but with the requirement to 'not say things that will get them into trouble' with the government.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

1.3 (2005 = 1.2; 2007= 1.6; 2009= 1.0; 2011= 1.0; 2014 = 1.6)

2.4 Transparency of ownership of media houses in print/broadcasting is guaranteed by law and enforced.

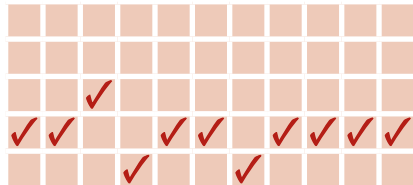
Media houses have to register with the 'Registrar of Companies.'¹⁸ Media ownership is accessible when both the trading name and the company name (ie the actual name under which media houses register) are known. Newspapers often state the company name and the editor's name on their publications.

Experience has shown that for some 'it is a hassle to find out who owns what,' while some of the panellists assert that after thorough research, ownership information is transparent and can easily be accessed. However, 'to find a human face, you need to go a little further' in order to get the names of the individuals who form the ownership of media houses.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

4.1 (2005 = n/a; 2007 = n/a; 2009 = n/a; 2011 = n/a; 2014 = 3.9)

18 Under Section 4 of the Printed Publications Act, 1968, the Registrar of Newspapers is required to maintain a register for the registration of newspapers in Botswana. Under Section 5(1), it is an offence for anyone to print or publish a newspaper in the country without registering with the Registrar. Source: SADC Media Law: A Handbook for Media Practitioners, Volume 2, p. 32.

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

Before the establishment of the Competition Authority under the Competition Act of 2009, uncertainty regarding competition legislation and regulations prevailed and therefore, cross-ownership was not uncommon.

The Competition Authority was created 'to monitor, control and prohibit anti-competitive trade or business practices in the economy of Botswana.'¹⁹

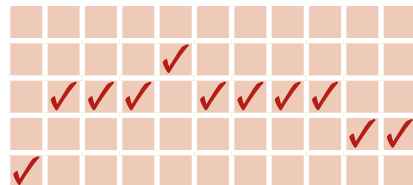
In a decision taken in February 2017 concerning shares in Mmegi Investment Holdings (MIH), the Competition Authority determined that Seyed Jamali, owner of *Duma FM*, had to dispose of his 28.73%²⁰ share in MIH to prevent the lessening of competition in the media market. A deadline was set in 2017, until which Jamali was required to disinvest his shares in MIH. This time limitation has long elapsed: Jamali is currently still holding onto his shares.

Even when decisions are made, the follow-through is inadequate: 'I don't know what is wrong with implementation.'

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score:

3.3 (2005 = 1.2; 2007 = 1.1; 2009 = 1.0;
2011 = 1.9; 2014 = 3.0)

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

Government does not promote a diverse media landscape, let alone economically incentivise the growth of media houses.

'In 1998 we advocated for and succeeded in passing the Broadcasting Act of 1998, which in 2012 was scrapped. It was replaced with the Communications

¹⁹ <http://www.competitionauthority.co.bw/>.

²⁰ <http://www.thepatriot.co.bw/news/item/3784-competition-authority-blocks-jamali%E2%80%99s-acquisition-of-mmegi.html>.

Regulatory Act of 2012. While this act specifically governs the broadcasting media, its contents reflect how state media dominates and is safeguarded.’

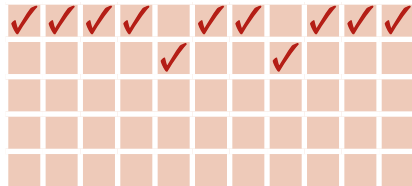
The new law established the BOCRA, ‘and it separated public and community media. Since then, we were not allowed community media. The legal framework under the Broadcasting Act [of]1998 provided for a three-tier system and was, at least in theory, conducive to the promotion of the diversity of outlets. The Communications Regulatory Act replaced public broadcasting with state broadcasting, and only allows for state and commercial broadcasters.’²¹

Public media (publicly funded, non-partisan media reporting in the interest of the public), does not exist in Botswana. In Botswana, the state media dominates in both the print and broadcasting media.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

1.2 (2005 = n/a; 2007 = n/a; 2009 = 1.1; 2011 = 1.6; 2014 = 1.3)

2.7 All media fairly represent the voices of both women and men.

‘There is no equal representation...but I am tempted to say that there has been an improvement in the representation of women in the form of increased availability of relevant content.’

In the past, especially in government media, the majority of positions were held by men, while women were regarded as being ‘good for fashion reporting.’

In the radio broadcasting space, a lot of content is ‘...leaning more [towards] females,’ a male media practitioner explained, ‘especially from the ‘targeted market point of view. The media houses position themselves to capture the female demographic by presenting content in a way that attracts women because this demographic was traditionally regarded as being able to decide a product purchase choice while lacking the buying power. Issues relating specifically to women – celebrations and specific days, such as discussions on gender-based violence (GBV) or Mother’s Day, receive the largest coverage on radio.’

21 Communications Regulatory Authority Act 2012 No 19 of 2012, Definitions.

Yet, this broad coverage of very specific events does not necessarily relate to the reality on a day-to-day basis. 'Let's also understand the cultural background of this country that women could not speak,' therefore the majority of listeners who call in and participate in radio talk shows are male, 'despite the fact that radio stations are targeting women' and have a large female listenership.

When it comes to politics, men seem 'to have a louder voice. 'Surprisingly', when the political party Alliance for Progressives (AP) was formed and represented on radio programmes, a majority of female listeners called in.

Generally, women appear more likely to take up topics raised by radio stations online and discuss them more openly on social media.

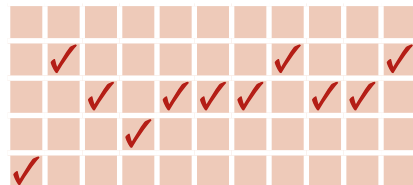
Gabz FM is in the process of enacting internal policies to ensure equal gender representation. The adoption of deliberate policies is vital, but the implementation is lacking. Despite progressive attempts to improve the environment and raise awareness on gender parity (especially in print), female journalists attempting to give women a voice are more often blocked from doing so by editors or management.

In principle, 'I am happy with at least 50%' women's representation,' a female panellist concluded.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score:

3.0 (2005 = n/a; 2007 = n/a; 2009 = 1.3;
2011 = 1.9; 2014 = 2.9)

2.8 All media fairly represent the voices of society and its minorities in its ethnic, linguistic, religious diversity.

Ethnicity

'We have been taught to desist from talking about ethnicity...throughout our upbringing, we were taught to see ourselves as Batswana...we were taught to be one nation.'

‘We were suppressing our views on these issues, especially in public, but in the private space people talk about ethnicity and make judgements based on it.’

In reality, there exists stigma and suppression, especially with regard to the Basarwa (Bushmen) minority group. ‘Government thinks that people working among [the] Basarwa for their advancement are agitators attempting to upset a peaceful status quo.’

Some ethnic tribes ‘are fighting for greater acknowledgement and use of their language and there are even organisations that speak to that.’

Issues of different ethnic groups are reported on, yet it is questionable whether the media adequately represents ethnic voices and content. It seems that ‘these issues are like politics...you make comments that do not affect you commercially,’ but if such a story might have a negative financial ramification, ie loss of commercial revenue due to divergence from popular opinion or upsetting advertising norms, it will not be published.

‘In the past,’ a journalist remembers, ‘media extensively covered court cases around the removal of the Basarwa from their ancestral lands. But once the cases came to an end, we stopped reporting.’ There lies the media’s problem in that ‘we “break” the story but follow-up engagement is low, or non-existent, leading to under-representation of several groups.’

Religion

With a 75% Christian majority, other religious groups are under-represented and diversity is not accepted. During Botswana’s 50th Independence Day celebrations, only Christians were allowed to lead prayers at the behest of the church. The media reported on the Christian churches leading the proceedings but omitted any coverage of the politics on the exclusion of other faiths during the celebration.

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)

‘In Botswana culturally, the LGBTI community is not entirely accepted. The media used to be very hard on the community.’

A panellist argues that ‘the media has in recent years taken the lead in giving space for debate around LGBTI issues.’ which may have contributed for slightly more openness within society.

Linguistic

There is little linguistic diversity. All print media is exclusively in English; except the state-owned *Daily News* which also publishes part of its content in Setswana.

There is limited diversity of languages on private radio stations; ‘we couldn’t air jingles on health-related issues in other languages except for English and Setswana, because English is the official language and Setswana the national language.’ These limitations prevent effective communication with other

linguistic groups on issues of wide-ranging importance, such as health and development topics.

Scores:

Individual scores:

1	Country does not meet indicator																			✓	✓
2	Country meets only a few aspects of indicator	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓									
3	Country meets some aspects of indicator																				
4	Country meets most aspects of indicator																				
5	Country meets all aspects of the indicator																				

Average score:

1.8 (2005 = n/a; 2007 = n/a; 2009 = 1.3;
2011= 1.9; 2014 = 1.9)

2.9 Media cover the full spectrum of economic, cultural, political, social, national and local perspectives and conduct investigative stories.

Most newspapers have business sections which some feel cover economic issues well; while others believe coverage is regurgitative, repetitive and lacks contextual analysis.

Cultural events are covered but the discussion of cultural issues is missing from the landscape.

Coverage on socio-economic, political and cultural topics ‘may not be up to the highest possible standards, but they have been improved.’ This is partly because the number of experienced journalists in newsrooms who are capable of analysing and interpreting complex socio-economic and political issues, have significantly decreased.

Media representatives present were self-critical and described investigative journalism as ‘the elephant in the room’ because only very limited independent investigative journalism occurs in the country. Investigative journalists were described as appearing to have an agenda and therefore throw themselves deeply into certain areas, while refraining from adequately covering other areas; e.g. specific political issues or stories about international partners based in the country.

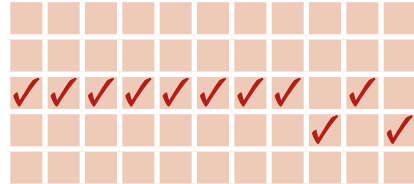
Yet, the private media has also ‘held two principle characters, the former Head of the DISS Isaac Kgosi and former President Khama, in this country to account, by means of thorough investigative stories.’ In 2018, the so-called ‘spy chief’ Isaac Kgosi, was sacked on allegations of corruption, due in part to the exposure of his alleged corrupt practices by the media.

‘So, there have been sparks of excellence in investigative journalism but these have been rare.’

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

3.2 (2005 = 3.0; 2007 = 3.1; 2009 = 2.9; 2011 = 3.7; 2014 = 3.0)

2.10 Private broadcasters deliver a minimum of quality public interest programmes.

In Botswana, private broadcasters deliver a minimum of quality public interest programmes, covering entertainment, socio-political and cultural issues; despite their limited resources.

There is ‘an attempt’ to diversify public interest content. *Yarona FM*, for instance, caters for the Batswana youth and focuses on their key issues of interest, ranging from socio-political to lifestyle issues. A programme on *Gabz FM* with a female presenter started to not only represent young women, but to also delve into issues of importance to them, allowing them to identify with the content. ‘Programming is going [toward] a different [more progressive] direction.’

Some radio stations changed their music/talk ratios. *Gabz FM* is increasing its previously 20/80% music/talk ratio to a 40/60% ratio to adapt to the audience’s desire for increased content engagement.

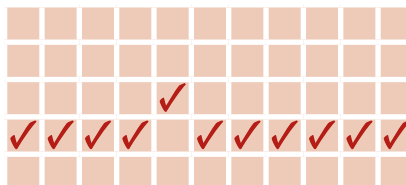
Sometimes, ‘matters of public interest are not thoroughly debated’ on broadcast media, including ‘issues such as bills that are before Parliament (and) court judgements that...impact on our lives.’ Often, the focus is on content that is thought to be interesting for the public, leading to the neglect of some relevant public interest issues.

The only public TV station, *eBotswana*, produces little local content with their focus on news; for the rest of their programming, the station relies on content from its South African sister channel, *e.tv*.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

3.9 (2005 = n/a; 2007 = n/a; 2009 = n/a;
2011 = n/a; 2014 = 3.5)

2.11 The country has a coherent ICT policy and/or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

There are several laws that negate the constitutional guarantee of freedom of expression, amongst them are the Cinematograph Act, the Public Service Act, the Media Practitioners Act, the National Security Act, the Cybercrime and Computer Related Crimes Act of 2007, the Corruption and Economic Crime Act of 1994; Sections 50 and 51 of the Penal Code on seditious offences, Sections 90 to 92 of the Penal Code containing provisions on insult laws, and Sections 192 to 199 of the Penal Code providing for criminal defamation.

'It is a mark of authoritarianism when you have a whole list of legal instruments that take away what the Constitution attempts to entrench. According to my last count, there are about five pieces of legislation that take away what the Constitution attempts to guarantee so that in the end there is hardly any freedom of expression.'

Most laws have not been in use; citizens have, however, been charged with sedition. Alleged defamation usually results in civil cases or administrative action due to the fact that criminal cases are lengthy, and 'if you wait for the criminal case to take its course and complete...you may close the door for disciplinary action which must be taken within a reasonable period of time.'

The policy objectives are as follows:

- (a) To create an enabling environment for the growth of an ICT industry in the country;
- (b) To provide universal service and access to information and communication facilities in the country; and

- (c) To make Botswana a regional ICT hub so as to make the country's ICT sector globally-competitive.²²

After its adoption, the Information and Communication Technology (ICT) policy was circulated throughout the country, in a process to encourage an open society in which information will be shared. The Botswana Telecommunications Commission (BTC) 'got everyone excited about the country taking the lead in ICT development on the continent.' The initial enthusiasm, however, was not followed by action. 'Government will always come up with excuses about why the next necessary steps cannot be taken.'

Despite Botswana's wealth in natural resources, especially diamonds, money was only scarcely invested into the development of an internet telecommunications infrastructure. The inherent wealth gap in the country results in wide inaccessibility of the services that have been developed.

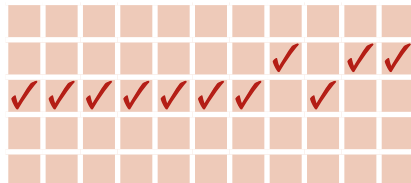
'We always joke that in Botswana when they plan road infrastructure it will take ten years to implement; by the time it is implemented the road is too small for the growing community.' This sluggish implementation process is also characteristic of Botswana's ICT environment: a slow-paced development in a rapidly changing sector.

In the case of ICT, there are 'good policies but poor implementation.'

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score:

2.7 (2005 = n/a; 2007 = n/a; 2009 = 2.1; 2011 = 4.0; 2014 = 2.2)

2.12 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

In 2014, the government issued a statement saying that 'they are withdrawing advertising from private media for cost-saving purposes,' with a few exceptions.

²² Government Paper No 3 Of 2007, National Information and Communications Technology Policy. www.ccardesa.org/library/documents/17/download/.

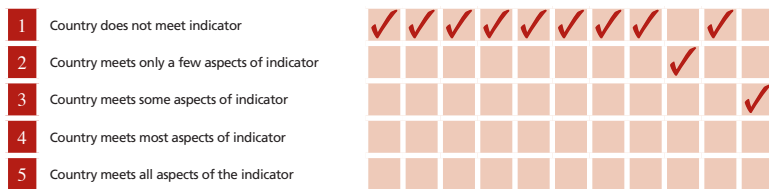
‘Government used advertising to penalise the media industry.’ This directive was first given within government without a public announcement. Once the word spread and the media heard of the advertising ban ‘they started asking questions, to which the government replied that this step was taken as a cost measure.’

A number of media houses ‘wanted to take the matter to court’ with financial support from the Southern Africa Litigation Centre (SALC). Eventually, several media houses pulled out of the process without providing any reasons: the case was therefore not brought to court.

The lack of solidarity between media houses can also be traced back to their lack of support for the *Botswana Gazette* and the *Midweek Sun* in 2001, when government declared an advertising ban on these two outlets; this was later declared unlawful by the Botswana High Court.

Scores:

Individual scores:



Average score:

1.3 (2005 = 1.3; 2007 = 2.4; 2009 = 1.1; 2011 = 1.7; 2014 = 1.5)

2.13 The advertising market is large enough to support a diversity of media outlets.

Advertising spending in Botswana ‘is very low.’

In 2008, advertising spending was estimated at 300 million BWP²³ (2,950,000 USD). More current numbers are not available.

‘Advertising rates have declined for both print and broadcast media.’

‘Nowadays, a full-page advert in a newspaper is worth 8,000 BWP (790 USD), where in the past companies would pay 40,000 BWP (3,940 USD) for the same.’

The advertising market in Botswana is small and ‘government’s decision to not participate in it significantly impacts on the market,’ making it close to impossible for media houses to survive. ‘This country is so dependent on government... and without it you are nothing.’ The advertising ban by government proceeded

23 African Media Barometer 2009.

incrementally, starting with government departments, followed by parastatals and companies affiliated with the government, to private corporations who withheld their advertisements from publications regarded as ‘no-go’ areas.

The fact that one can place advertisements in state-media outlets for free suppresses competition and distorts the market.

Big private advertisers also occasionally attempt to influence editorial content: the supermarket chain *Choppies* used to advertise in *Mmegi* newspaper. Once the newspaper ran an exposé on the alleged sale of expired products whose expiry dates had been changed, *Choppies* has not advertised in *Mmegi* again.

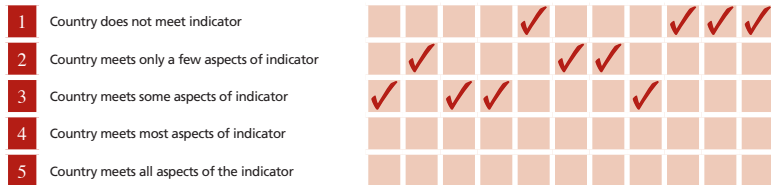
‘Newspapers themselves’ make the decision to not publish a story that may cause the withdrawal of a major advertiser; ‘there is the reporting side and there is the business side.’

Decisions on advertisement spending and placement are made outside the country by several companies based in Botswana and headquartered in South Africa. This has a huge and fairly negative impact on the local media industry.

The new Botswana based TV channel, *Maru TV* (broadcasting on DSTv), is attempting to tap into a new market and attract novel advertisers with its regional focus; the future will show whether this concept will be successful.

Scores:

Individual scores:²⁴



Average score:

2 (2005 = 3.0; 2007 = 3.8; 2009 = 1.6; 2011 = 2.5; 2014 = 2.4)

Overall score for sector 2:

2.7

²⁴ A panellist expressed the following reservations: the scoring system did not allow room to include one’s uncertainty about whether some of the statement made were factual. Under this indicator the panellist felt uncertain about whether there had been a government directive to discontinue advertising in public media outlets. Note: All panellists are advised to score according to their personal opinion and knowledge following the discussion of each indicator.

TELEVISION SPEECH COMMUNICATE BROADCAST RIGHTS INFORMATION R
EXPRESSION DEBATE SATELLITE SUPPRESSION NEWS LIMITATIONS TRUTH P
TRANSLATION BOOKS MAGAZINES HONEST EFFICIENCY REPORTS INTERV
PRESS DOCUMENTS FREEDOM PUBLICATIONS LEGISLATION QUESTIONS INTE
CONCEPT PRINCIPLE DECLARATION FAIR DIFFERENT LIMITED WRITTEN CAPA
CRITICISM IMPARTING PROTECTION LINKED MONITORING POLITICAL DEMOC
SELF-RESTRAINT GIVEN ORDINARY PUBLIC DETERMINE RECEIVING PARLIAM
INTERACTION NATIONAL OPPORTUNITY UNLICENSED INVOLVED RESP
CITIZEN SUBJECT REACTION CONSTITUTION CENSORSHIP TRUTH POINT OF
CONTROL ACCESS MEDIA ANSWERS LAWS MEDIUM THOUGHT CON
ACCESSING INDIVIDUAL PRIVACY IDEAS ESSENTIAL RELIABLE PURPOSE T
TELEVISION SPEECH COMMUNICATE BROADCAST RIGHTS INFORMATION R

SECTOR 3:

**Broadcasting regulation is
transparent and independent; the
state broadcaster is transformed
into a truly public broadcaster.**

INTERNET CONCEPT PRINCIPLE DECLARATION FAIR DIFFERENT LIMITED WR
CAPACITY CRITICISM IMPARTING PROTECTION LINKED MONITORING POLI
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RESPONSE CITIZEN SUBJECT REACTION CONSTITUTION CENSORSHIP T
POINT OF VIEW CONTROL ACCESS MEDIA ANSWERS LAWS MEDIUM THO
CONTENT ACCESSING INDIVIDUAL PRIVACY IDEAS ESSENTIAL RELIABLE PUR
PRESS TELEVISION SPEECH COMMUNICATE BROADCAST RIGHTS INFORMA
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NEWS LIMITATIONS TRUTH PAPER TRANSLATION BOOKS MAGAZINES HO
EFFICIENCY REPORTS INTERVIEWS PRESS DOCUMENTS FREEDOM PUBLICA
LEGISLATION QUESTIONS INTERNET CONCEPT PRINCIPLE DECLARATION
DIFFERENT LIMITED WRITTEN CAPACITY CRITICISM IMPARTING PROTE

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

The Broadcasting Act of 1998, which was repealed in 2012, allowed for three types of broadcasters: private, public and community broadcasters.

The new framework under the Communications Regulatory Act of 2012, which established the BOCRA, only allows for two types of broadcasters: commercial broadcasters and state broadcasters.

Public broadcasters were replaced with state broadcasters while community broadcasters were scrapped entirely. The decision to exclude community broadcasters ‘stems from a debate that had been going on a long time ago’ and by 2012 not a single community broadcaster had been granted a licence.

The argument that was put forward at the time was: ‘look at what happened in Rwanda.’ Government linked community radios to the genocide in Rwanda and were able to argue that the same could happen in Botswana. Thus, they were able to explain the exclusion of community radios in the legislation by arguing that community radio stations could influence their listeners into tribal conflicts.

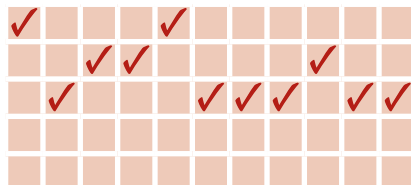
The adoption of the 2012 law ‘was a deliberate effort’ to restrict the broadcasting environment.

‘The only media that is regulated by BOCRA right now is *Gabz FM*, *Yarona FM*, *Duma FM* and *eBotswana*.’

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score:

2.4 (2005 = 1.8; 2007 = 1.7; 2009 = 1.1; 2011 = 2.0; 2014 = 1.7)

3.2 Broadcasting is regulated by an independent body that is adequately protected by law against interference and whose board is not dominated by any particular political party and is appointed – in an open way – involving civil society and not dominated by any particular political party.

According to their website, BOCRA has the mandate to:

‘Promote and ensure enhanced performance in the communications sector; impose a universal access and service levy on identified operators for [the] purpose of funding universal access to communications; promote and ensure universal access in respect to provision of communications services; and effective regulation of regulated sectors.’²⁵

The Minister of Transport and Communications, Onkokame Kitso Mokaila MP, appointed the current BOCRA Board in terms of Section 4 of the Communications Regulatory Authority Act of 2012²⁶.

The board provides for seven members, but it is unclear as to who is on the current board as the list of names on the BOCRA website differs from the list of names provided in the regulation authorities recently released 2017 Annual Report.

According to the website, one of the board members used to be the executive secretary of the ruling BDP party, and another a retired ‘commander of the ground forces.’

The appointment process is described as ‘secretive’, without any public consultation and/or involvement, which is why it is difficult for citizens to determine who the current board members are. Yet, one panellist acknowledges, it used to be common practice for the government to advertise the position of board members in the newspaper. Whether this was the case with the current board is unknown. In either case, the appointment process is believed to be disingenuous.

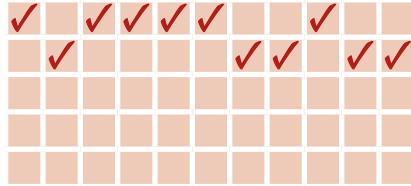
²⁵ <http://www.bocra.org.bw/board-of-directors>.

²⁶ *ibid*

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

1.4 (2005 = n/a; 2007 = n/a; 2009 = 1.0; 2011 = 1.4; 2014 = 2.0)

3.3 The body, which regulates broadcasting services and licences, does so in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Considering how the body is constituted, it exemplifies the notion that BOCRA board members ‘...owe allegiance to the minister and by extension...’ to the government and the ruling party. ‘Looking at the calibre of the people on the board...it also confirms that this body is designed to suit a particular interest.’ While it may be difficult to prove, panellists believed the board’s allegiance would be reflected in their decision-making and hence, the body is thought to regulate in the interest of the government and not society at large.

Radio Botswana 1 and 2, and Btv, the state broadcasters, are not regulated by BOCRA.

‘From experience, BOCRA concerns itself a lot more with issues of compliance... they are just enforcing the regulations.’

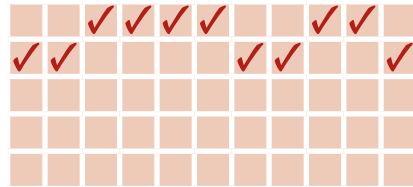
‘The people at BOCRA you deal with as a broadcaster are employees, not the board directly.’ BOCRA employees are predominantly concerned with the enforcement of the regulations, including issues of licensing and compliance.

Following the homophobic sentiments against the LGBTI community made by US Pastor Anderson during a live interview on a *Gabz FM* morning show, BOCRA pushed the station into installing a radio delay unit. The unit enables the delay of radio signals by 6 seconds, which was explained by BOCRA as a request made in the interest of the larger public good by preventing the airing of hate speech.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

1.4 (2005 = 1.3; 2007 = 2.1; 2009 = 1.8;
2011 = 1.9; 2014 = 2.0)

3.4 The state/public broadcaster is accountable to the public through an independent board which is representative of society at large and selected in an independent, open and transparent manner.

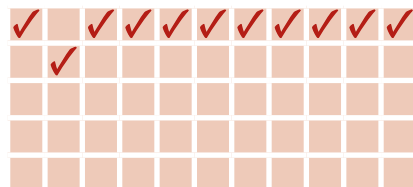
There is only the state broadcaster, no public broadcaster, 'which is not accountable to the public, it is accountable to the government of the day. It does not have an independent board, it does not have a board at all.'

As set out in the law (Communications Regulatory Authority Act of 2012), Botswana only has state and commercial broadcasters. Over time, several ministers have made public statements underlining the fact that the state broadcaster is only accountable to the government.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

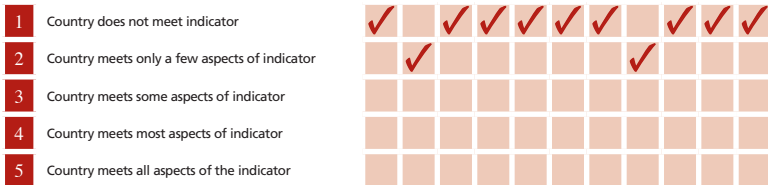
1.1 (2005 = 1.0; 2007 = 1.0; 2009 = 1.0;
2011 = 1.0; 2014 = 1.0)

3.5 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised to ensure balanced and fair news and current affairs programmes.

Among panellists, there was consensus that political interference by the government is the order of the day at the state broadcaster.

Scores:

Individual scores:



Average score:

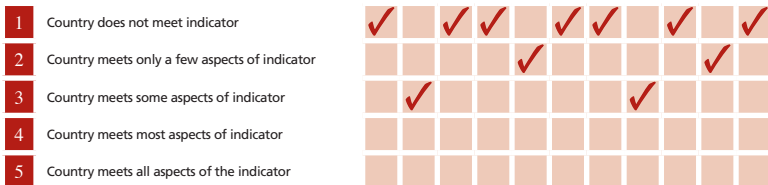
1.2 (2005 = n/a; 2007 = n/a; 2007 = n/a; 2011 = n/a; 2014 = 1.0)

3.6 The state/public broadcaster is adequately funded in a manner that protects it from political interference through its budget and from commercial pressure.

The state broadcaster is adequately funded by the government (ie through revenue collected from taxpayers) 'to facilitate political interference by government and the ruling BDP.'

Scores:

Individual scores:



Average score:

1.5 (2005 = n/a; 2007 = n/a; 2009 = 1.1; 2011 = 1.8; 2014 = 1.7)

3.7 The state/public broadcaster offers diverse programming formats for all interests including local content and quality public interest programmes.

The quantity of non-partisan views featured on the state broadcaster is limited. The state broadcaster offers diverse programming which is 'mainly in line with the ruling party's agenda, policies and programmes that run the BDP manifesto. Civil society organisations and trade unions are hardly covered, the main opposition party is covered 2-3% compared to the ruling party.'

'Critical but decent voices may be covered...but the state broadcaster may not cover them to the full[est] extent.'

On Btv there are talk shows, political programmes and a locally produced drama called *Ntwakgolo*. Radio Botswana airs the radio-based soap opera and health education drama *Makgabangeng*. On Btv, 30% of the content is local content. There is no policy regulating local content on the radio but it is estimated at roughly 90% on RB1.

Diverse programmes are offered, 'particularly on the radio...but it does not cater to all demographic interests.'

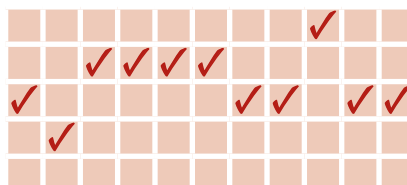
'When it comes to news and programming that is specific to politics...that's where diversity does not exist.'

'In this country, not a single television broadcaster has ever talked about the National Petroleum Fund' scandal,²⁷ the biggest case of corruption the country has ever seen, presumably because some members of the ruling BDP have allegedly benefited from the monies embezzled.'

Scores:

Individual scores:

1	Country does not meet indicator
2	Country meets only a few aspects of indicator
3	Country meets some aspects of indicator
4	Country meets most aspects of indicator
5	Country meets all aspects of the indicator



Average score:

2.5 (2005 = n/a; 2007 = n/a; 2009 = n/a; 2011 = n/a; 2014 = 1.3)

Overall score for sector 3:

1.7

²⁷ In the National Petroleum Fund corruption case, it is alleged that over US\$ 25 million have been defrauded by asset manager Bakang Seretse, allegedly to the benefit of ruling BDP party members, including former President Ian Khama.

TELEVISION SPEECH COMMUNICATE BROADCAST RIGHTS INFORMATION R
EXPRESSION DEBATE SATELLITE SUPPRESSION NEWS LIMITATIONS TRUTH P
TRANSLATION BOOKS MAGAZINES HONEST EFFICIENCY REPORTS INTERV
PRESS DOCUMENTS FREEDOM PUBLICATIONS LEGISLATION QUESTIONS INTE
CONCEPT PRINCIPLE DECLARATION FAIR DIFFERENT LIMITED WRITTEN CAPA
CRITICISM IMPARTING PROTECTION LINKED MONITORING POLITICAL DEMOCI
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The media practise high levels of professional standards.

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The media practise high levels of professional standards.

4.1 The standard of reporting follows the basic principles of accuracy and fairness.

The new development of so-called ‘fake news’ in Botswana is an extremely serious situation. The spread of such misinformation is therefore not uncommon in the country. There have been several instances where newspapers, especially those privately owned, have not cross-checked information.

Lack of verification was particularly evident in an incident where several media outlets picked up on a report strategically produced in Botswana that was meant to tarnish some of the opposition parties. Politicians and even journalists were involved in the compilation. The media that picked up the report did not check the veracity of its contents.

‘The standards have fallen quite dramatically – there is no substance and you cannot even trust that what you are reading is factual.’ Panellists across the board felt journalism standards, including the substance of the content, research and the depth of the stories, have declined. Additionally, ‘the style of the presentation is not appealing.’

A former media practitioner recalled how ‘they had a civic charter in newsrooms setting out clear guidelines and principles to be followed. Each story had to be checked against that set of principles to ensure quality. I look at stories now and oftentimes, you find that there are so many elements that are missing or incorrect.’

‘We have to admit at the level of gatekeepers, that the problem begins with us’ stated an editor. ‘It is easy to blame reporters but it [mistakes] should be obvious to people at the level of gatekeepers because of the experience that they have.’

‘Gatekeepers cannot avoid [the] responsibility of ensuring the factuality and quality of a story. A part of the problem is a tendency among reporters...and I don’t exclude gatekeepers, to invest far too much veracity in certain people without a thorough investigation of facts. This is also often neglected by journalists [who] in the name of fair play [are supposed to provide] the right-of-reply to individuals that are affected by a story, prior to breaking the news. In these cases, when it comes to the level of editors and sub-editors, the story passes, when it shouldn’t.’

‘A lot of the times, unfortunately, editors are on a perpetual holiday and they hardly ever look at the content.’

It is suggested that 'in part, standards have gone down because there is competition in the market to get the news out first. People are desperate to publish a rumoured story first, leaving little time for cross-checking and verification.'

At one point it was alleged in a prominent [newspaper] article that '300,000 BWP (29,500 USD) was found under a pillow in former Minister Prince Maele's house, the same minister in whose dustbin 50,000 BWP (4,900 USD) was found earlier in the year. The story turned out to be false and the newspaper eventually retracted the allegations in a less prominent article. Minister Maele was later dropped from cabinet, as a result of those stories.'

Another decisive factor which negatively affects the quality of reporting is that many public media newsrooms are vastly under-resourced and understaffed. The weekly *Mmegi* for instance, once a daily newspaper, is now left with only two reporters and one editor, who are forced to wear several hats to keep the newspaper running.

'Many newsrooms are staffed with editors who are very young, inexperienced and competitive, but they are competing on Facebook instead of in the newsroom.'

There is also an emerging trend of 'media personalities [who] want to be cult figures...they [journalists] will expose each other on social media, in their quest to gain attention on the backs of others. There are senior practitioners who also behave in the same manner.'

Some journalists appear to be irresponsible or unprepared and lack sufficient training. 'What they are giving us from the University of Botswana is not tolerable. We are getting people with certificates...but who cannot even compose a report.'

A lecturer explained that on the part of teaching institutions, there is a lack of resources resulting in limited equipment for practical training. 'But when it comes to journalism, we have a student paper that we run, and I am a little reluctant to admit that our students finish without being able to compose five sentences that are comprehensive. Admittedly, we have a huge problem at the University of Botswana, as there are many students that receive government funding for a specific programme which they did not choose and don't want to do. These students will often put little effort into their studies and will therefore not be well prepared to work in their unchosen profession, post-graduation.'

The lecturer went on to advise media houses to 'be very careful when they undertake the selection the process of potential employees. Since the University of Botswana runs a media studies programme specialising in broadcasting, print and public relations, so media houses should hire staff according to their needs and based on the specific training they've received.'

One of the panellists explained that as a consumer it appears that, 'most of the news that we see or read are pretty much about death, scams, and scandals –

sensational news. If you ask journalists “why is it that we don’t see other stuff?”, they will likely reply “If it [the story] is not juicy, we won’t bother with it.”

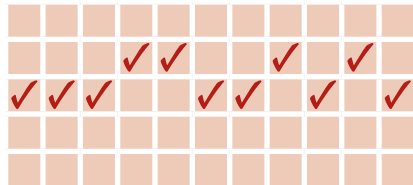
For example, ‘the work of the church is not being seen often; when the church shares a story with the media it [the story] doesn’t make it.’

From a more holistic point of view, ‘we don’t have a coherent national agenda ‘that society at large is striving towards,’ concludes a journalist. ‘Nowadays, the main aim is “to create jobs”; and now everyone is going to work, that’s it. People look out for [them] selves only and there is no social responsibility. We are not adding any value to anything except our own lives, and this attitude, unfortunately, is also common among the media fraternity.’

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score:

2.6 (2005 = 2.9; 2007 = 2.1; 2009 = 2.8; 2011 = 3.3; 2014 = 4.0)

4.2 The media follow voluntary codes of professional standards, which are enforced by independent/non-statutory bodies that deal with complaints from the public.

The establishment of the Press Council of Botswana (PCB) and its code of ethics was ‘an attempt to deal with issues of professional and ethical standards.’ The body, however, collapsed, and with it the progress on benchmark-setting of professional standards. The BPC theoretically still exists but is ‘completely inactive.’

The media in Botswana have developed a code of ethics, but the majority of media practitioners seem to be unaware of its existence. ‘At one time a former minister took it [the code of ethics] to the government media [for them to] abide by it.’

The Botswana Editor’s Forum (BEF) also exists in theory and usually does not function effectively. The institutional capacity to drive the process of professional standard setting is therefore lacking. An additional problem is the lack of professional unity and coordination among the media fraternity in Botswana.

It was noted that ‘the basic principles of journalism are universal, and should be adhered to by journalists, regardless of the existence of a code of ethics. Yet, there is little effort in media houses and newsrooms to teach the new journalists about professionalism and ethics. Most media houses don’t have any internal training programmes that discuss issues of ethics and conduct. More experienced media practitioners keep in mind that it is important to adhere to a basic code of conduct and standards.’

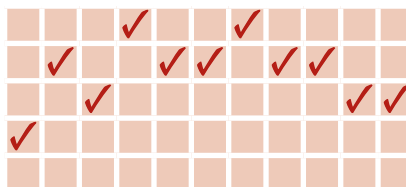
When it was fully functional, the PBC had an appeals and complaints committee to deal with grievances. With its collapse and due to the absence of a media ombudsman, there is a glaring absence of a complaints mechanism. The only recourse would be to challenge the publication of misinformation in a court of law. ‘You cannot raise complaints and if you do, you have to report to the same people who are writing the story, which will usually result in ridicule or even intimidation.’ This dissuades members of the public from voicing a complaint in the first place.

Some media houses are in the process of developing internal editorial policies in an attempt to revive professionalism.

Scores:

Individual scores:

1	Country does not meet indicator
2	Country meets only a few aspects of indicator
3	Country meets some aspects of indicator
4	Country meets most aspects of indicator
5	Country meets all aspects of the indicator



Average score:

2.3 (2005 = 3.6; 2007 = 3.3; 2009 = 2.9; 2011 = 2.8; 2014 = 3.2)

4.3 Salary levels and general working conditions, including safety for journalists and other media practitioners are adequate.

Inadequate remuneration affects private media practitioners across the board. ‘I left my last job as an editor precisely because of my poor pay.’ A reporter who worked in the same newsroom for three years received a meagre wage of 1,500 BWP (159 USD) per month.

There is no standard for entry-level salaries in the private media, but a journalist with a degree ‘can get 3,000 BWP (298 USD) at entry level. An experienced editor in a private media house can earn around 20,000 BWP (1,985 USD). At state media outlets, entrance level salaries are around 7,000 BWP if you have a degree.’

To put these numbers into perspective, basic accommodation can cost about 2,000 BWP (198 USD). A basic student room with an outside bathroom costs around 700 BWP (69 USD). Apart from government employees, the average salary in Botswana is 5,000 Pula (496 USD).

Working conditions, especially in private media, are inadequate.

The newsroom of a small business magazine was said to 'not even have...one...single...car and yet reporters were expected to compete with their colleagues at other newsrooms.' Even if there was a story that required journalists to go out at night, no transportation would be provided; journalists would have to organise themselves, put together money to pay for transport or borrow a friend's car.

The journalistic profession in Botswana suffers from lack of equipment, resources, funding and in-house guidance and training. 'If these conditions are allowed to prevail, then the profession is in very serious trouble.'

'Conditions [are] slightly better within government.'

'Journalists at the state media receive benefits, such as pension, medical aid, insurance and funeral benefits. They have access to transport and a driver and are paid on time. Although general work conditions are better in state media houses, if you do something they don't like, a journalist risks being transferred to another department.'

An example of this was provided about a non-conforming Journalist, Sakaeyo Jannie, who was transferred from the Department of Information Services to the Department of Gender Affairs, the then Ministry of Labour and Home Affairs. He fought against his demotion in court and was later reinstated by order of the High Court.

In private media, journalists can lose their jobs without reason or justification. 'A female *DumaFM* employee was kicked out for being pregnant and there was no redress for her. At another media house, two women journalists were retrenched while on maternity leave.'

'In December 2017, several *Mmegi* employees were retrenched because of the financial difficulties the paper was facing. At a big media house, you see someone going home with just one month's salary after working there for more than 20 years.'

'Journalists are losing jobs every day, so they are worried about job security – so those who find themselves with a job consider themselves fortunate and will accept unacceptable work conditions and wages.'

Experienced media practitioners are overlooked during the hiring process because they are regarded as a costly investment for media organisations.

Scores:

Individual scores:

1	Country does not meet indicator				✓	✓	✓				✓	✓	✓
2	Country meets only a few aspects of indicator	✓	✓	✓							✓	✓	
3	Country meets some aspects of indicator												
4	Country meets most aspects of indicator												
5	Country meets all aspects of the indicator												

Average score:

1.4 (2005 = n/a; 2007 = n/a; 2009 = 2.7;
2011 = 2.0; 2014 = 2.2)

4.4 Journalists and other media practitioners are organised in trade unions and/or professional associations, which effectively represent their interests.

In the past, 'there was a movement' to effectively organise members of the media profession. The Botswana Journalist Association (BOJA), was established to cater for the diverse range of media sector interests ranging from editors to junior reporters. The attempt to establish a union for journalists over the years failed several times. 'We fought long to create a journalist's union but were unsuccessful in the end.'

The Botswana Media and Allied Workers Union (BOMAWU) was created in 2015 and officially launched in September 2016. It doesn't have a very clear mandate, but for those who established the union, it was imperative to begin after failing several times before. It was agreed that once they were set up, members would attend to refining the union's mandate and functions. It is yet to be seen if BOMAWU will succeed in representing media practitioners' interests in a coordinated manner.

The state of media associations and organisations were described as follows:

- The Botswana Chapter of the Media Institute of Southern Africa (MISA Botswana) 'is limping' but in the process of reviving itself. 2018 saw the election of a new board and a new director;
- The Botswana Editors' Forum is 'limping';
- BPC is in 'intensive care' and requires revitalisation;
- The Botswana Media Women's' Association (BOMWA) tried to revive itself and managed to get an office but has no money to operate;
- The BOJA is defunct.

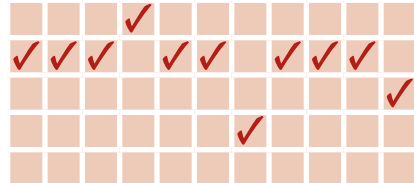
There is also the Writers' Association of Botswana (WABO), which has a broader scope encompassing all literary writers.

A lack of financial resources has incapacitated these associations and organisations. Additionally, fragmentation among media professionals is prevalent, 'there is no activism culture in Botswana and we no longer have target goals.' All these points feed into an environment in which the media fraternity is unable to effectively and cohesively represent its interests.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

2.2 (2005 = 3.6; 2007 = 4.3; 2009 = 2.6; 2011 = 1.3; 2014 = 2.4)

4.5 Journalists and media houses have integrity and are not corrupt.

'I wish to say we are 100% clean, but we are not. We are starting to hear that a lot of our journalists are being compromised. There are allegations that several journalists are allegedly partisan and active at political level.'

'Intimidation [of political factions and opposition parties] now plays out in the mainstream media, so you can see which newspaper leadership belongs to which political party.'

'When people are not paid decent[ly] they become vulnerable; or when people are not sure when they will be paid and someone comes with an envelope [of money], they are more likely to take bribes.' Occasionally, there are allegations of journalists being paid by the DISS to influence editorial content and for the purpose of surveillance. 'When you talk money trails with DISS and media people involved, proving any misconduct is close to impossible.'

'Sometimes even managers within the newsrooms are involved...then it becomes quite problematic to hold anyone to account.'

In 2014, there was a case where integrity was compromised by a very powerful force in the private sector. *Mmegi* newspaper carried out a successful investigation

into the operations of the supermarket chain *Choppies*: it was uncovered that they sold 'rotten food' to their customers. As a result, *Mmegi* was threatened 'with a lawsuit of 1 billion BWP (99,205,000 USD). The newspaper was informed about the lawsuit just before they were about to publish the 'killer punch' story. *Mmegi's* management [however] was extremely terrified and despite being provided with undeniable evidence of wrongdoing by the supermarket chain, they ordered the newsroom to kill the story in the interest of business.

'We [the then newsroom staff] knew that overt offers were made to people in management who were promised a reward for the discontinuation of the story. In this case, the newsroom kept its integrity but management did not.'

Management's interference with newsroom editorial decisions based on business interests is not uncommon. On request of management, an increasing number of promotional articles are published, parading as news stories: when they are not.

There is also the practice of a 'newspaper-wrap', where the entire four pages of the outside of the newspaper are filled with promotional material. 'We confuse our readers, who are unable to separate advertisements from news.' A wealthy Botswana based businessman, Simbi Phiri, who is said to be involved in corruption is well known for paying for newspaper wraparounds.

A panellist shared two separate instances of journalists being paid by trade unions. One of the journalist's in question had his training subsidised by a union, and in return, he would report favourably on the union and omit any scandalous information or activities.

At radio stations, it is often assumed that staff is involved in the common practice of 'payola', where they receive payments or other favours as an incentive for repeatedly airing a specific song. Others, it is alleged, may receive incentives to advertise a specific product brand on their programmes. Though the practice is commonly practised and known about, evidence is usually unattainable.

Sports journalists tend to always seek favour with the leadership of sports clubs because they offer trips to international events and other benefits. This clearly has an impact on the way media practitioners report.

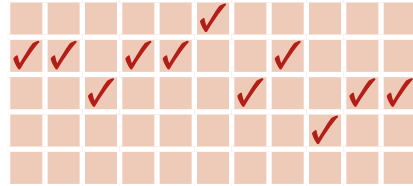
Generally, media houses do not have internal policies that uphold integrity, while still allowing the 'quid pro quo' receipt of gifts or freebies.

It was emphasised that misconduct in the hiring process occurs. 'During recruitment in broadcasting, for instance, a lot of dirty games are going on in which producers will make sexual advances to the applicants and the person [who seems] most likely to agree to these moves will be chosen regardless of their actual talent or suitability.'

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

2.4 (2005 = n/a; 2007 = n/a; 2009 = 3.6; 2011 = 3.6; 2014 = 2.6)

4.6 Journalists and editors do not practise self-censorship in the private broadcasting and print media.

Self-censorship is prevalent in certain private media houses because of the lack of job security faced by journalists in these houses. Journalists are compromised and asked to report in a certain way for the benefit of commercial interests; this has led to the blurring of lines in the internal structure of media houses, due to reduced opportunities for employment.

In cases where owners, publishers or marketers also function as editors and/or reporters; self-censorship is more evident and preserving commercial interest becomes more integral than providing objective quality editorial content.

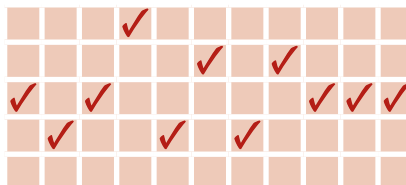
Another relevant observation is that media houses, who regard themselves as alternative (ie not following the ruling party line), would hesitate in reporting a story that may negatively reflect on members of the opposition party. With a number of media houses being politically inclined and associating themselves with a party, there are presumably several outlets guilty of this type of censorship and biased reporting.

An editor states that most cases of self-censorship are common at the level of reporters, where broadcast and print journalists censor themselves due to political affiliation, or because they are favoured with gifts and freebies [as discussed in the previous indicator].

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score:

2.9 (2005 = 2.5; 2007 = 2.4; 2009 = 1.6;
2011 = 2.2; 2014 = 3.2)

4.7 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

In-house media training programmes no longer exist in most media houses. In the past, there used to be great training facilities and opportunities. 'The Department of Information and Broadcasting Services, now divided into two departments, had a great training unit which was recognised beyond national borders and attracted people from other SADC²⁸ countries.'

Mmegi had structures to provide for training at induction level and [offered] continuous training such as attachments to other outlets.

On a positive note, 'the publisher of *The Voice* newspaper is very passionate about training; every year, she has a deliberate policy to upgrade and enhance the skills of her staff. It is believed that this intentional effort "shows" in their reporting [as] compared to other media outlets.'

In addition, in-house media policy training on gender has started at *The Voice*, which has been a trendsetter in this regard.

With regard to formalised training, the Limkonkwing University offers media-related courses in journalism and media, communications, public relations and advertising and marketing, starting at Diploma level and continuing up to Masters level. However, the institution is not perceived as being at a high level especially when it comes to training for the print media sector. 'Maybe the broadcasting courses are better.'

The University of Botswana (UB) offers a Bachelor of Arts (BA-Media Studies) and a Bachelor of Media Studies (BMS). UB is currently in the process of developing a Master's programme in media studies.

28 Southern African Development Community (SADC).

There is a gap between the training provided at tertiary institutions and the needs of newsrooms; which needs to be addressed.

Private media houses do not usually sponsor their employees in taking up formal educational courses.

There is also a tendency for media practitioners who have worked in the industry for some time to take up courses outside the media sector, such as strategic management, public administration or a Masters of Business Administration (MBA).

'Attempts have been made to establish evening media courses or offer attachments but the uptake has been little, so why make the effort.'

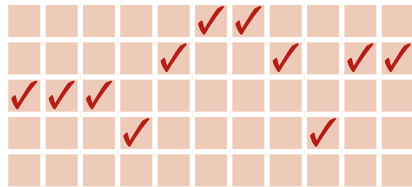
'The newly established BA ISAGO University engaged media leaders on developing short courses and the process is ongoing.'

The Botswana Qualification's Authority (BQA) encourages workplace training which could be taken up by publishers. Whatever internal courses media houses plan to offer need to be accredited and paid for upfront, while a refund from the Human Resource Development Council (HRDC) can be claimed afterwards. 'The challenge is that you have to pay a levy as an institution to be able to benefit from the grant. Both the upfront payment and the levy are not feasible options for struggling media houses.'

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score:

2.4 (2005 = 4.0; 2007 = 3.8; 2009 = 3.2; 2011 = 2.3; 2014 = 2.7)

4.8 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media houses.

Generally, inclusivity is not on the agenda of most media houses.

'I don't think there is a conscious effort...maybe apart from gender, to diversify media houses. Only a few individuals in the media industry will go out of their way to increasingly offer equal opportunities.'

There is very little religious diversity.

Only the state media offers opportunities for persons with disabilities; private media houses shy away from hiring differently abled persons because they are afraid of the potential additional costs: which may be unaffordable. Only *The Voice* newspaper is believed to have a deliberate policy of employing persons with disabilities.

Prejudice factors into the hiring decisions of many organisations. Society, in general, is intolerant of physical or mental differences and especially towards people of different sexual orientations than the norm (heterosexuals).

There is also a level of discrimination based on age; with senior/older media practitioners being less likely to be employed.

‘Generally, some [equality] policies exist at government level but that is also where the disregard of these policies begins.’

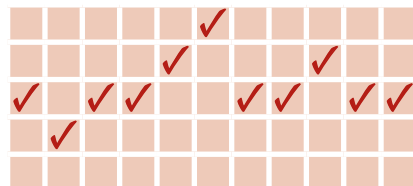
‘I don’t think media houses think these things [through] and are deliberate in all their human resource decisions when it comes to diversity,’ a panellist concluded, ‘they are just hiring.’

At *Gabz FM*, however, the new management initiated improved diversity, leading to increased employment of women (including management positions), young people and media veterans who can share their experience and expertise. *Gabz FM* also hired the first Caucasian and is working on a standardised pay grade to ensure equality.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score:

2.7 (2005 = n/a; 2007 = n/a; 2009 = 2.7, 2011 = 2.7; 2014 = 3.3)

Overall score for sector 4:

2.4

The Way Forward

1. What were the developments in the media environment in the last three/four years?

The main negative development was the incapacitation of the media lobby and advocacy organisations, mainly due to lack of funding. Another major issue is the lack of unity among media practitioners to facilitate concerted efforts to revive media organisations, increase media professionalism and address media platform sustainability.

2. What kinds of activities are needed over the next three/four years?

With a fragmented and divided media fraternity, it is difficult to advocate around issues of repressive legislation, poor working conditions and the strengthening of professional standards. These are critical issues that need the media sector to interrogate and unpack, with the aim of working towards solutions. Media platform sustainability is the principal threat to media diversity.

Panellists identified the crucial need to organise a media stakeholders meeting aimed at fusing the media fraternity around issues of collective interest. This is intended to increase cooperation on issues affecting the media sector at large and to enable coalition building, including the establishment or revival of media organisations and associations.

Common grounds/issues include the building of unity of purpose to focus on:

- Professionalism
 - Specifically, ethics, standards and sharing of skills
- Transformation of the media
 - An introspective overview of the media landscape in Botswana
 - Brainstorming possible solutions through a SWOT²⁹ analysis
- Funding
 - Media sustainability
 - New models of funding

The panellists resolved that the best way to do this would be:

- To hold a workshop with relevant stakeholders to discuss the above issues.
- To ensure that this workshop discussion forms part of the programme for the launch of the Botswana 2018 AMB report.

29 SWOT Analysis – Strengths, Weaknesses, Opportunities and Threats.

- For MISA Botswana to take the lead in this process and ensure that it also results in the establishment of some form of collective media organisation/body that can be set up to work in the interest of the sector.

The panel discussion took place at the Cumberland Hotel, Lobatse, Botswana on 11-13 May 2018.

Panellists:

Media (list in chronological order of surname):

1. Pamela Dube Kelepany: Editor
2. Modise Maphanyane: Human Rights and Media Consultant
3. Dr Seamogano Mosanako: Media Lecturer
4. Mike Mothibi: Publisher
5. Caroline Phiri-Lubwika: Media Trainer
6. Gabriel Rasengwatshe: Broadcast Journalist
7. Douglas Tsiako: Freelance Journalist/Editor

Civil Society (list in chronological order of surname):

8. Reverend Jankie Mosimanegape Godfrey: Pastor
9. Justin Hunyepa: Political Activist/Trade Activist
10. Uyapo Ndadi: Human Rights Lawyer
11. Keabonye Ntsabane: Gender Activist

Rapporteur:

Jennifer Ido

Moderator:

Reyhana Masters

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