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## BOTSWANA

# B

Botswana has enjoyed 42 years of multiparty democracy since gaining independence from Britain in 1966. The country has since been governed by the Botswana Democratic Party (BDP) and has witnessed the smooth transition of power to four different presidents. Despite the stability, opposition parties and political commentators continue to call for electoral reform away from winner-takes-all to a proportional representation system. Calls have also been made for direct presidential elections. The BDP has resisted change, adopting an “if it isn’t broken, why fix it?” position.

Economically, Botswana has continued to be one of the strongest performers on the African continent, with a growth rate of around 6 percent. The country appears to have been relatively insulated from the global slowdown, but analysts suggest this may not last. The strong economy is good for media, but with a population of fewer than two million people growth potential is limited. Panelists expressed fears of monopolistic trends in the market, as private media companies’ attempts to diversify and expand market share have been restricted to either buying smaller outlets or creating partnerships with foreign media. Panelists expressed disappointment that a government policy to promote competition and diversity has yet to be introduced. There are also concerns that private media sustainability is undermined by unfair competition from state-controlled media.

The 2008 MSI suggests a growing concern among media professionals that past gains are being eroded, and the overall country score declined modestly from 2.51 to 2.34. Concerns about journalists’ safety and restriction on free expression were important contributors to the MSI decline, with panelists highlighting three 2007 assaults on journalists by police and onlookers and the blacklisting by the Ministry of Labor and Home Affairs of journalists, academics, and human-rights activists from Australia, the United States, and Canada for their critical accounts of the resettlement of Bushmen from the Central Kalahari Game Reserve on August 1, 2007.

Capturing the views of the panel, *The Mining Mirror* managing editor and owner Gwerevende Hamufari observed: “This state of affairs contradicts the spirit of freedom of expression and threatens the country’s position as Africa’s beacon of democracy and peace.”

Further contributing to the MSI decline was the introduction of the Intelligence and Security Services Act on August 6, 2007. The Act, which was rushed through parliament, is intended to promote national security, but it also contains loopholes panelists fear may be used to restrict media freedom.

The decline in score and criticisms of the panelists mostly were manifest in Objective 2 (professional journalism), Objective 3 (plurality of news), and Objective 5 (supporting institutions), all of which experienced moderate drops. By contrast, the score for Objective 4 (business management) improved

# BOTSWANA AT A GLANCE

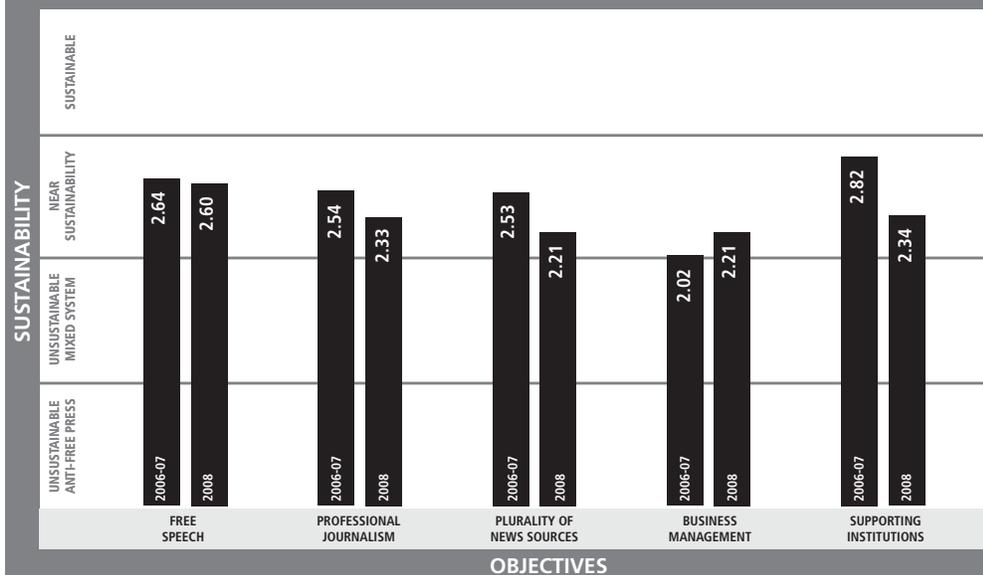
## GENERAL

- > **Population:** 1,990,876 (July 2009 est., *CIA World Factbook*)
- > **Capital city:** Gaborone
- > **Ethnic groups (% of population):** Tswana (or Setswana) 79%, Kalanga 11%, Basarwa 3%, other, including Kgalagadi and white 7% (*CIA World Factbook*)
- > **Religions (% of population):** Christian 71.6%, Badimo 6%, other 1.4%, unspecified 0.4%, none 20.6% (2001 census, *CIA World Factbook*)
- > **Languages (% of population):** Setswana 78.2%, Kalanga 7.9%, Sekgalagadi 2.8%, English 2.1% (official), other 8.6%, unspecified 0.4% (2001 census, *CIA World Factbook*)
- > **GNI (2008-Atlas):** \$11.51 billion (World Bank Development Indicators, 2009)
- > **GNI per capita (2008-PPP):** \$12,880 (World Bank Development Indicators, 2009)
- > **Literacy rate:** 81.2% (male 80.4%, female 81.8%) (2001 census, *CIA World Factbook*)
- > **President or top authority:** President Seretse Khama Ian Khama (since April 1, 2008)

## MEDIA-SPECIFIC

- > **Number of active print outlets, radio stations, television stations:**  
Print: 1 state-owned newspaper and 13 privately owned commercial newspapers; Radio stations: 2 national state-owned, 3 national privately owned, and 8 foreign stations. Television Stations: 1 state-owned, 3 privately owned commercial. Newspaper ownership is mostly concentrated in Gaborone.
- > **Newspaper circulation statistics:** Top two by circulation: *Daily News* (circulation 65,000, state-owned), *The Voice* (circulation 35,000, private)
- > **Broadcast ratings:** 85 percent of population has access to national (government owned) radio. The 3 national privately owned radios listenership is unclear. Broadcast dominated by state-owned BTV.
- > **News agencies:** Botswana Press Agency (State-owned)
- > **Annual advertising revenue in media sector:** Total advertising expenses estimated at BWP 300 million (2008 MSI panelist commentary). There are 16 registered advertising agencies. Major players include Alliance Media, Mudhut Sound Studios, Horizon Ogilvy and Mather, Optimum McCann Erickson, Primedia Outdoor, RMC Marketing, Central Advertisers, and CBS Advertising.
- > **Internet usage:** 80,000 (2007 est., *CIA World Factbook*)

## MEDIA SUSTAINABILITY INDEX: BOTSWANA



### Unsustainable, Anti-Free Press (0-1):

Country does not meet or only minimally meets objectives. Government and laws actively hinder free media development, professionalism is low, and media-industry activity is minimal.

### Unsustainable Mixed System (1-2):

Country minimally meets objectives, with segments of the legal system and government opposed to a free media system. Evident progress in free-press advocacy, increased professionalism, and new media businesses may be too recent to judge sustainability.

### Near Sustainability (2-3):

Country has progressed in meeting multiple objectives, with legal norms, professionalism, and the business environment supportive of independent media. Advances have survived changes in government and have been codified in law and practice. However, more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.

### Sustainable (3-4):

Country has media that are considered generally professional, free, and sustainable, or to be approaching these objectives. Systems supporting independent media have survived multiple governments, economic fluctuations, and changes in public opinion or social conventions.

slightly. Despite panelists' fears for the future, for now the score of Objective 1 (freedom of speech) remained unchanged and scored noticeably higher than the other objectives.

## OBJECTIVE 1: FREEDOM OF SPEECH

### Botswana Objective Score: 2.60

Panelists were relatively positive about the protection of free speech. However, although the score for this objective remained unchanged overall, most of the indicators within did show movement compared with last year. Indicator 3 (market entry), Indicator 4 (attacks on journalists), and Indicator 9 (entry into the journalism profession) all received notably lower scores from the panelists this year. Improving somewhat were Indicator 5 (legal guarantees of independence for public broadcasters), Indicator 6 (libel laws), and Indicator 7 (access to public information). Despite the improved assessment by the panelists, however, Indicators 5 and 7 both scored more than a half-point lower than the overall objective score and remained the lowest-scoring objectives again this year. Indicator 8 (media access to foreign news sources) remained unchanged but was the only indicator to score more than a half-point higher than the overall objective score.

Panelists agreed that freedom of speech is guaranteed under section 12 (1) of the constitution, which states that "except with his consent, no person shall be hindered in the enjoyment of his freedom of expression, freedom to hold opinions without interference, freedom to receive ideas and information... freedom to communicate ideas and information... and freedom from interference with his correspondence." The extension of these rights to the media has been buttressed by a Botswana High Court judgment that is consistent with Article 10 of the European Union Convention on Human Rights.<sup>1</sup> *Botswana Guardian* investigative reporter Dikarabo Ramadubu felt free speech was also supported by social norms expressed in Tswana adages that everyone has the right to express his mind and thoughts freely.

Despite these legal and social protections, panelists felt free speech remains contested, arguing that Botswana still has a number of laws that regulate the media. These laws, when invoked by the state, override constitutional provisions, grant discretionary powers to government officials, and impose harsh penalties on media who breach them. The National Security Act (1986) regulates anything that might threaten the security of the country, while the Directorate of

Corruption and Economic Crime Act prevents journalists from reporting on subjects under investigation until a case reaches the courts or investigations are concluded.

Botswana also imposes restrictions on freedom of expression and media to protect the reputations and rights of others and prevents the disclosure of information obtained in confidence.<sup>2</sup> These laws are accommodated under section 12 (2) of the constitution, which provides for permissible restrictions on the exercise of freedom in areas of defense, public security, public order, public morality, and public health.<sup>3</sup> Panelists felt these provisions are open to interpretation and, in Ramadubu's view, can be "unsettling on the media, rendering them unsure about how far to go in gathering information and publishing it."

An attempt by the government to pass a media practitioners' bill in 2007 was viewed as a significant threat to media freedom. If passed, the bill would require the compulsory registration of journalists in Botswana and would also have imposed a code of media ethics regulated by a statutory Press Council.<sup>4</sup> Hefty penalties were envisaged for violations. Panelists unanimously viewed this bill as potentially eroding media freedom and freedom of expression and ultimately engendering censorship and self-censorship. Opponents argued in favor of maintaining the status quo of media self-regulation through the existing Press Council of Botswana. The Council includes a media complaints committee and an appeals committee that provide a free avenue for the public to seek recourse over issues they have with media.<sup>5</sup>

Media accountability is also addressed in the Botswana Press Council's Code of Ethics and statutory Broadcasting Regulations (2004), both of which stipulate that media practitioners maintain the highest professional and ethical standards and disseminate accurate and balanced information.<sup>6</sup> Both frameworks impose obligations on media practitioners to provide a right of reply to persons who feel aggrieved by news reports.

The bill attracted significant opposition from civil-society groups and stakeholders in the media, with the Media Institute of Southern Africa (MISA) pressing for its withdrawal. It has also been the subject of spirited debate among members of parliament, who have convinced the

<sup>1</sup> So this is Democracy 2007? State of media freedom in southern Africa, 2007:148

<sup>2</sup> For detailed discussion of laws that impact negatively on media freedom in the country, see T. Balule and B. Maripa, *Quick Guide to Laws and Practices That Inhibit Freedom of Expression in Botswana* (MISA-Botswana, 2000)

<sup>3</sup> Botswana constitution

<sup>4</sup> Ibid

<sup>5</sup> Botswana Media Awards Speech, Chairperson, 2008

<sup>6</sup> Regulation 13

minister of communications, science, and technology to defer the bill. Part of the reason for the deferment was to provide time for the minister to consult with MISA, a gesture that was warmly welcomed.

The broadcast media are licensed by the National Broadcasting Board (NBB) under the Broadcasting Act of 1998.<sup>7</sup> Panelists based their positive responses to broadcast licensing on the fact that in the year under review three private radio stations were issued licenses to operate at the national level by the NBB. The stations are Duma FM, which newly went on air in 2007, Gabz FM, and Yarona FM.<sup>8</sup> A further development was the introduction in Gaborone of Gateway Broadcasting Services (GTV), a new pay television channel that took advantage of a legal victory against the NBB by the existing pay television channel MultiChoice Botswana to remain a relay channel and not attract local licensing.

Print media in Botswana are not licensed. However, although not raised in the panel discussion, a provision of a proposed mass media communications bill would, if passed, have prohibited the printing or publication of any newspaper in Botswana unless it is registered with a government Registrar of Newspapers. Further, under section 26(1), the Registrar could refuse to register a particular newspaper if it did not fulfill "all the requirements for registration."<sup>9</sup> Research reveals that the bill did not make clear whether such requirements were limited to providing administrative details (such as the name of the newspaper) set out in section 25 and providing proof that 80 percent of the newspaper was owned by citizens of Botswana as required by section 26(2).

Regarding market entry, Hamufari, a Zimbabwean national living in Botswana and owner of *The Mining Mirror* magazine, said "it seems there is no regulation about who wants to register a publication or not. One just needs to have registered a company like any other business." This may change, however, if the media practitioners' bill is enacted.

With regard to the indicator on journalists' safety, panelists agreed that common crimes against journalists were not vigorously prosecuted, although panelists were divided on whether such attacks did generate a public outcry. Sello Motseta, editor and owner of *Tswana Times* newspaper, said, "There is very little empathy from the public. Such crimes do not cause public outrage." Hamufari felt differently, arguing that "violations [in Botswana] cause public outrage like any other place in the world."

<sup>7</sup> Ibid:156

<sup>8</sup> So this is Democracy 2007? State of media freedom in southern Africa, 2007:24

<sup>9</sup> Fidelis (Edge) Kanyongolo, University of Essex / Article 19 Consultant: <http://www.fx.org.za/pages/Publications/Medialaw/botswana.htm> (15/10/2008)

The indicator that addresses whether public media receive preferential legal treatment and maintain editorial independence received a below-average score. Panelists argued for the need to transform state media into public media. Ramadubu felt "the move toward public media as opposed to state media, which remains in the clutches of the government of the day and by extension the ruling party," was one of the most pressing issues facing Botswana. Panelists noted that early in 2007 parliament had rejected a draft broadcasting bill that, if adopted, would have countered shortcomings of the National Broadcasting Act of 1998.

Most panelists believed that editorial interference by government ministers at the state media, particularly of Botswana Television, would continue unless the Act was reviewed. Panelists were infuriated, for instance, that on May 13, 2007, Botswana television (BTV) censored a recorded discussion program, *Matlho a phage*, to remove comments perceived as offensive to the government, the president, and the vice president.

Panelists had mostly positive things to say about libel and holding of public officials to account. Panelists argued that media-support organizations, such as MISA and Botswana Press Council, had played an important part in preventing lawsuits against the media and in encouraging the media to be more professional in reporting. For example, in 2007 the Botswana Press Council Complaints Committee that presides over most disputes brought against journalists registered

#### LEGAL AND SOCIAL NORMS PROTECT AND PROMOTE FREE SPEECH AND ACCESS TO PUBLIC INFORMATION.

##### FREE-SPEECH INDICATORS:

- > Legal and social protections of free speech exist and are enforced.
- > Licensing of broadcast media is fair, competitive, and apolitical.
- > Market entry and tax structure for media are fair and comparable to other industries.
- > Crimes against journalists or media outlets are prosecuted vigorously, but occurrences of such crimes are rare.
- > State or public media do not receive preferential legal treatment, and law guarantees editorial independence.
- > Libel is a civil law issue; public officials are held to higher standards, and offended parties must prove falsity and malice.
- > Public information is easily accessible; right of access to information is equally enforced for all media and journalists.
- > Media outlets have unrestricted access to information; this is equally enforced for all media and journalists.
- > Entry into the journalism profession is free, and government imposes no licensing, restrictions, or special rights for journalists.

eight cases of defamation and ensured that no lawsuits were filed. Three of these cases were entirely dropped. Defamation cases are not only against private media but also the government's own television station, BTV (Francistown-based District Commissioner Sylvia Muzila vs. BTV).<sup>10</sup>

In the absence of a Freedom of Information Act,<sup>11</sup> the indicator associated with access to public information received the lowest score. The government's reluctance to pass the act, despite its being one of the recommendations by the country's Vision 2016 council, has continued. Local media consultant Caroline Lubikwa-Phiri expressed concerns regarding the newly introduced Intelligence and Security Services Act, saying "we have fears that the intelligence and security law, which was hurriedly rushed through parliament, could be abused." Her fears may be well-founded, as the law vests a lot of power to the head of state, which stands in conflict with ideals of democracy. The deportation by then-President Mogae of Professor Kenneth Good (former political science lecturer at the University of Botswana) was still fresh in the minds of the panelists.

As reported last year, the following laws govern, sometimes to the detriment of, the free flow of information:

- Broadcasting Act, 1998 (Act No. 6 of 1998), the primary statute dealing with the regulation of the broadcasting sector;
- Cinematograph Act, 1970 (Act No. 73 of 1970) provides for the censorship and pre-classification of films and publications;
- National Security Act, 1986 (Act No. 11 of 1986) provides for terrorism, defense, and internal security;
- Printed Publications Act, 1968 (Act No. 15 of 1968) provides for the registration of certain newspapers, and;
- Penal Code No. 2 of 1964 sets out conduct that is deemed to be criminal, including defamation.<sup>12</sup>

Most panelists were concerned about section 4 (1) of the National Security Act (1986), which makes it unlawful for any person who has obtained information from her or his position as a public servant to reveal information without authorization. The prohibition is enforced by the possibility of up to 30 years imprisonment and has led to self-censorship

<sup>10</sup> So this is Democracy 2007? State of media freedom in southern Africa, 2007:23

<sup>11</sup> Ibid:151

<sup>12</sup> Mochaba, K., Raffinetti, C., White, J. (2004). *SADC Media Law: A Handbook for Media Practitioners. Volume 2: A comparative overview of media laws and practice in Botswana, Swaziland and Zambia*. Johannesburg: Konrad Adenauer Foundation. Pp. 23–24. Accessed from: <http://www.kasmedia.org/> See this publication for detailed descriptions of these laws.

in newsrooms.<sup>13</sup> The civil-society organizations, including Botswana Council of Nongovernmental Organizations and MISA, attempted to sensitize the parliamentarians before the enactment of the bill but were unable to prevent its passing.

One noteworthy example of journalists being denied access to information occurred on September 10, 2007, when Kgosi (Chief) Seepapitso IV, the Chairperson of Botswana's House of Chiefs, locked media workers out of a briefing the House had with the minister of local government, Margaret Nasha. The chief simply said outsiders were not welcome and emphasized that this included the media.<sup>14</sup>

Panelists noted that while government had introduced information officers to streamline the flow of information from its ministries, this strategy had not resulted in any improvements. "They just waste time," Lubikwa-Phiri said.

Panelists had little to say about the final two indicators in this category, which relate to unrestricted access to information and the lack of constraints to entry into the journalism profession, but rated both highly. However, in the context of freedom of information, MISA Botswana Director Thapelo Ndlovu observed that "the determination of government to bring up a media practitioners' law regulating the media... in the recently deferred bill" was a serious threat. His view, supported by fellow panelists, was that "by enforcing registration of journalists the larger public will not be able to provide vital information, either through open means or as whistle-blowers."

## OBJECTIVE 2: PROFESSIONAL JOURNALISM

### Botswana Objective Score: 2.33

Panelists rated professional journalism practice lower this year than last year, just below the overall average for the nation in a discussion that included some strong debate. Scores for half of the indicators were down: Indicators 2 (journalism ethics), 4 (coverage of key events), 5 (pay levels for journalists), and 6 (balance of entertainment and news) all fell noticeably. Only Indicator 8 (niche and investigative reporting) showed some improvement. However, nearly all the indicators received scores close to the objective average. Only Indicator 5 lagged behind by about a point.

The indicator for fair and objective reporting prompted one of the panel's most controversial debates. Some panelists stressed that problems with reportage could be attributed to frustrations that journalists experienced in obtaining

<sup>13</sup> So this is Democracy 2007? State of media freedom in southern Africa, 2007:148

<sup>14</sup> Ibid:28

information. Freelance reporter Lauri Kubuitsile and media consultant Lubikwa-Phiri observed that getting information from authorities was difficult and placed a strain on reporters. Such frustrations, they argued, could kill stories because “it takes a long time and consumes the little resources [available] to follow up one story.” The Intelligence and Security Act, the proposed media practitioners’ bill, and the recently published public-services bill compounded these frustrations.

Regarding recognized and accepted ethical standards, some panelists, including Kubuitsile, argued that poor-quality journalism occurred more often than not. She claimed, “Excerpts from my stories have been plagiarized” and added, “This is a sign of lack of professionalism.” Others on the panel argued that reporters did check their facts, balanced their reports with a wide range of sources, and drew on experts in the field. They also stressed that the Press Council of Botswana compels journalists to meet internationally accepted norms and standards. Professor David Kerr of Botswana University media studies department observed that “of their nature, norms are a compromise between ideals and reality.” He added, “The private media in Botswana do make mistakes like any other media elsewhere, but this is no good reason to criminalize their operations.”

Some panelists felt intense competition and commercialization in the media sector, meaning some media houses steer clear of stories that might antagonize advertisers and therefore practice self-censorship. Since the emergence of private media in the 1980s in Botswana, the watchdog role of media has generally been appreciated.<sup>15</sup> Cases of corruption in government, mismanagement, and human-rights abuses have been exposed by the private media practicing investigative journalism. However, panelists also observed that in the absence of a clear regulatory framework, media houses sometimes censored themselves because it was unclear where they would be running afoul of the law. Some felt media outlets failed to take up certain issues for fear of people in positions of power and influence.

Overall, panelists felt that journalists cover key events and issues. However, Rahman El-Kindly, of RMC Marketing, was emphatic that journalists “do not know where and how to get news; they just rely on news releases.” He felt journalists do not attend the numerous conferences that are held in the country, including ones by the Southern Africa Development Community (SADC), and missed out on important leads for investigative stories. Other panelists disagreed and warned against journalists spending too much time at functions and conferences.

<sup>15</sup> See S.T. Sechele, *The Role of the Press in Independent Botswana*, in W.A. Edge & M.H. Lekorwe (eds), *Botswana: Politics and Society* (1998): 412, 416.

Panelists felt the question of pay levels for journalists needs to be addressed more broadly and argued that in addition to remuneration, questions also need to be asked about hiring practices. They suggested that nepotism is a growing problem in some media houses. Kabo Mokgoabone, a business reporter at *Mmegi* newspaper, described the practice as “[editors] killing the standards of journalism in the country by extending favors to journalists regardless of merit or capabilities.” Asked whether favors were gender-biased, the *Botswana Guardian’s* Ramadubu explained that “favors are not based on sex or gender, as most newsrooms have more men than women and others have male reporters only.”

Panelists also felt that the quality of journalism is deteriorating as media houses lose skilled journalists to public relations, marketing, and other communications-related jobs where salaries are higher. MISA’s Ndlovu said, “The situation in Botswana is corroding the industry such that, if we are not careful, one day we are going to find ourselves without anyone to spearhead the cause of freedom of the press.” Hamufari felt the problem of salaries can be addressed in small media houses that buy stories from correspondents, but the majority of the panel felt poor pay levels are a challenge to most private media and responsible for the decline in professional standards. The problem is exacerbated when experienced journalists are promoted and stop writing stories. To Kubuitsile, a freelance journalist, the pay for freelancers is “abysmal.” She added, “A full-page story that would take one a week or more to get organized would earn close to nothing.”

On whether entertainment programming eclipses news, the panel suggested that content on private radio stations is more diverse than that of newspapers and caters to most

## JOURNALISM MEETS PROFESSIONAL STANDARDS OF QUALITY.

### PROFESSIONAL JOURNALISM INDICATORS:

- > Reporting is fair, objective, and well sourced.
- > Journalists follow recognized and accepted ethical standards.
- > Journalists and editors do not practice self-censorship.
- > Journalists cover key events and issues.
- > Pay levels for journalists and other media professionals are sufficiently high to discourage corruption.
- > Entertainment programming does not eclipse news and information programming.
- > Technical facilities and equipment for gathering, producing, and distributing news are modern and efficient.
- > Quality niche reporting and programming exists (investigative, economics/business, local, political).

interests by offering morning chat shows and news every hour in the main languages (Setswana and English) as well as current affairs, entertainment, local music, call-in interactive programs, and sports.<sup>16</sup>

Equally, panelists agreed that technical facilities and equipment for gathering, producing, and distributing news are adequately modern and efficient. No specific equipment used was mentioned, but recent developments in the information and communications technology sector and ongoing convergence in communication technologies support their view. MISA cites fast technological developments in the country that have been enhanced by the liberalization of IT services and the introduction of the Cyber Crime and Computer-Related Law.<sup>17</sup> With Internet access becoming widely available and affordable and use of cellular phones vastly increasing, more and more private media are able to gather, produce, and distribute news easily. It is estimated that the number of cellular subscribers stands at more than 600,000 in Botswana.<sup>18</sup>

On the issue of quality niche reporting and programming, some panelists felt a number of factors are still hampering professionalism in Botswana's media. Motseta, of *Tswana Times*, was adamant that "specialization is lacking in the newsrooms," and this, he said, "affects the quality of the final product." Motseta believed that organizations like MISA-Botswana and the Southern Africa Institute for Media Entrepreneurship Development (SAIMED) must provide training to journalists to help them develop specialized knowledge. He said the shortage of specialized reporters on business, health, and other news beats "makes journalism look as though it is an ordinary man's job." Panelists also felt investigative reporting could be improved.

### OBJECTIVE 3: PLURALITY OF NEWS

#### Botswana Objective Score: 2.21

Panelists cited a mixed bag of weaknesses and strengths about the diversity of news outlets in Botswana, and their scores brought the objective down about a third of a point compared with last year. Scores fell in Indicators 2 (citizen access to media), 4 (news agencies), 5 (independent broadcasters produce their own news), and 6 (transparency of media ownership). However, despite the lower scores this year, Indicator 2 still outperformed the overall objective score

<sup>16</sup> Ibid

<sup>17</sup> So this is Democracy 2007? State of media freedom in southern Africa, 2007:34

<sup>18</sup> African Media Barometer 2007 – Botswana

by more than three-quarters of a point. All other indicators scored within a half-point.

As to the question of affordable public and private news sources, panelists agreed that Botswana enjoyed a variety of news outlets. For the vast majority, broadcast media, particularly radio, is the easiest medium to access. State-owned *Radio Botswana* reaches 80 percent of the population, with RB2 standing at 65 percent. Listeners' choice has been improved with the granting of national licenses to three radio stations this year, although they have yet to extend transmission to each and every corner of the country.<sup>19</sup> Panelists also felt the Department of Information and Broadcasting should lease out its equipment to private radio stations so that they could cover the whole country. This has already been done by the Telecommunications Authority for mobile-phone operators.

Technological changes have created economies of scale that cut across formerly separated markets and thus have created motivation for an established company in one market to enter others. For example, most incumbents in fixed-line telephone services have established Internet Service Provider subsidiaries. This has made an already complex regulatory function even more difficult and sometimes impossible. Getting the balance right is at the heart of regulation. In Botswana, the current regulatory regime has opted for issuance of separate licenses for different services. As such, a fixed-line service requires a separate license, as do mobile services, Internet services, or broadcasting services.<sup>20</sup> What this means is that different networks are required for each of these. Under the law, telecommunications services and broadcasting services even fall under different regulatory authorities.

Notwithstanding these technological developments, while the Broadcasting Act of 1998 empowers the NBB to issue licenses to public, private, and community broadcasters, there is just one public broadcaster, about 12 private broadcasters, and no community broadcaster. Establishing of community radio is currently a highly controversial issue. The test case occurred on December 8, 2007, when *Naledi FM*, a community radio station, was pre-launched with encouragement from MISA to challenge the NBB procrastination in introducing community broadcasting.<sup>21</sup>

<sup>19</sup> Ibid

<sup>20</sup> See Twoba Boikaego Koontse, Regulations for full connectivity in Botswana in *Connect-World*, the information and communication technology (ICT) decision makers' magazine, Article no.4 in Africa and Middle East 2004

<sup>21</sup> So this is Democracy 2007? State of media freedom in southern Africa, 2007:25

The state broadcaster, BTV, dominates the television sector as a news source. It is broadcast free and is also accessible through a free-to-air satellite system and on DSTV-MultiChoice, a South African-based satellite service. MultiChoice won a legal battle against the NBB in 2007 to transmit as a relay pay channel. Spilling over from this victory was the introduction of the new GTV based in Gaborone, which offers viewers an alternative pay television service and competition for the government broadcasters. However, the Multichoice and GTV offerings are available only on satellite, which makes them inaccessible to poor people. The state broadcaster is widely appreciated by various viewers, particularly older ones, for providing news about major events and information about elections. Some panelists argued that there are more free international television channels offered by the free-to-air decoders presently in Botswana.

In the print sector, panelists felt that ownership of Botswana's private newspapers is monopolized by one associated group, Dikgang Publishers, and, as such, Botswana does not enjoy a wide range of newspaper outlets. "It is very dangerous for one company to run and own all independent papers," investigative journalist Ramadubu said. Panelist Mokgoabone, of *Mmegi* newspaper, illustrated the importance of diverse media in a community with the story of the government disputes with the San people of the Central Kgalagadi Game Reserve, which the state, private, and international media covered from varied perspectives. "With different approaches to the story, readers and viewers could make informed decisions and judgments on what they think of the stories that are presented by the different media houses," he said.

#### MULTIPLE NEWS SOURCES PROVIDE CITIZENS WITH RELIABLE AND OBJECTIVE NEWS.

##### PLURALITY OF NEWS SOURCES INDICATORS:

- > A plurality of affordable public and private news sources (e.g., print, broadcast, Internet) exists.
- > Citizens' access to domestic or international media is not restricted.
- > State or public media reflect the views of the entire political spectrum, are nonpartisan, and serve the public interest.
- > Independent news agencies gather and distribute news for print and broadcast media.
- > Independent broadcast media produce their own news programs.
- > Transparency of media ownership allows consumers to judge objectivity of news; media ownership is not concentrated in a few conglomerates.
- > A broad spectrum of social interests are reflected and represented in the media, including minority-language information sources.

In discussing citizens' access to domestic or international media, panelists argued that the only restrictions on international media are the costs of technology and subscriptions. The costs and infrastructure associated with the Internet and satellite equipment still hinder access to Web-based and satellite-based international news sources for poorer individuals and organizations, particularly in rural areas. Panelists felt that access to international news was affected when BTV discontinued its transmission of a BBC news program. For local media, panelists felt that newspapers are often too expensive for the majority of people and that this places a price constraint on the availability of multiple news sources. Distribution to remotes areas is limited, with the exception of the state-owned *Daily News*.<sup>22</sup>

The question of whether state or public media reflect the views of the entire political spectrum, are nonpartisan, and serve public interest was contentious, but panelists agreed that the independence of the state media is still a concern. In the absence of a law on public broadcasting, there is no guarantee of editorial independence in state media, which continues to favor the ruling party and the government.<sup>23</sup> The state newspaper tries to cover a wide range of issues and events, but there remains, according to Ramadubu, "a stumbling block: the lack of professionalism and necessary skills as most experienced journalists leave for greener pastures elsewhere." The state radio stations, RB1 and RB2, appear to provide more diverse programming than television<sup>24</sup> and cover many divergent interests.

Language diversity in the media is limited to English and Setswana, which is widely spoken by Botswana's eight major tribes.<sup>25</sup> Other languages are Sikalaka, spoken in the northern part by the Kalanga people, and Basarwa (referred to as Khoi-san or Bushmen), found in the Kalahari Desert region in the southwest of the country. No media are produced in these languages. The country's unabated economic growth has contributed to the non-Botswana populace growing considerably, with most coming in as expatriates from within Africa and from Europe, Asia, and America. The media do not specifically serve these population groups.

In discussing news agencies, panelists said some wire services appear to be beyond the means of many media organizations. In a comment representative of most of the panelists, Ramadubu said, "The government makes available its own Botswana Press Agency (BOPA) to both the private

<sup>22</sup> African Media Barometer 2007 – Botswana

<sup>23</sup> National Integrity Systems Country Study 2006/7 – Botswana, Media: Role of Institution as a Pillar

<sup>24</sup> So this is Democracy 2007? State of media freedom in southern Africa, 2007:25

<sup>25</sup> MISA, Southern Africa Media Directory, 2006/7: 13

and public [media] and has always made news accessible, but most of [private media] do not make use of it.” Explaining the private media’s reluctance to use BOPA news, Motseta, of the *Tswana Times*, responded, “We would not want to be used [by BOPA] to spread half-truths.”

There are also news agencies that sell news to media companies, although Ramadubu felt that Botswana media “rely mostly on those that offer their services for free or cheaply, like the BBC and Chinese Xinhua.” Botswana has two private news agencies—Sila News Agency, established in 2005, and the Front Page News, which specializes in feature stories.<sup>26</sup> Panelists were unsure how frequently local media make use of these agencies.

The measure of independent broadcast media producing their own news programs revealed a number of challenges facing the media, with panelists primarily commenting on constraints that impact the quality of news production. “The media have a role to educate and inform society, but in their quest to do so they are met with problems of satisfying their sponsors and financiers,” business reporter Mokgoabone said. “The political and financial tie between the media and society influences the outcome of the news content.” Ndlovu agreed, adding, “Self-censorship does exist in production of news programs, especially due to some cultural customs. For example, writing about elders in a negative way still makes some people frown” and is regarded as disrespectful. Research reveals that self-censorship on the part of journalists is indeed common.<sup>27</sup> Botswana is a small, close-knit society where everyone knows everyone.

Indicators measuring transparency of media ownership that allows consumers to judge objectivity of news and the related issue of concentration of media ownership sparked much concern among panelists. Botswana has experienced a relatively rapid growth of media outlets, and competition in this small market has become fierce. Information on ownership is privileged and can be sourced only with great effort because media outlets are not publicly listed. There is no law compelling disclosure. Panelists felt conglomerates are being created in Botswana and cited the example of Dikgang Publishers, which owns the daily newspaper *Mmegi* and weekly *The Monitor*. It also partially owns the other mainstream weeklies *Botswana Guardian* and *Midweek Sun*, which are under the CBET group. *Mmegi* also has some shares in the private radio station Gabz FM.

As they looked at whether a broad spectrum of social interests are reflected and represented in the media, including

<sup>26</sup> African Media Barometer 2007 – Botswana

<sup>27</sup> See National Integrity Systems Country Study 2006/7 – Botswana, Media: Role of Institution as a Pillar

minority-language information sources, panelists felt the media ignore minority languages such as Sikalaka of the Kalanga people and Basarwa (Khoi-san or Bushmen). MISA-Botswana’s Thapelo noted that the lack of community radio stations exacerbated the lack of diversity and limited the diversity of news sources. Thapelo said community radio had the potential to improve “the accessibility of media as it reaches people at community level” and bemoaned the delays in licensing community stations. Panelists agreed that local news, whether private or government, consistently reports on development issues such as agriculture, economics, education, environment, and health, including national and rural development.

## OBJECTIVE 4: BUSINESS MANAGEMENT

### Botswana Objective Score: 2.21

The score for business management fared modestly better this year, with much of the improvement coming from better evaluations of Indicator 1 (media are well-managed) and Indicator 7 (audience and circulation measurement). All indicators scored very close to the overall objective score.

While panelists gave media business efficiency a high score, they were divided in their views on how efficient management practices are at different media outlets. There was general acknowledgement that management is sound at larger, more mature companies, but that smaller ones face significant operational challenges. Ramdubu, of *Botswana Guardian*, stated categorically that “media are managed as profitable businesses and strive to use professional people in human resources and financial administration,” while

### INDEPENDENT MEDIA ARE WELL-MANAGED BUSINESSES, ALLOWING EDITORIAL INDEPENDENCE.

#### BUSINESS MANAGEMENT INDICATORS:

- > Media outlets and supporting firms operate as efficient, professional, and profit-generating businesses.
- > Media receive revenue from a multitude of sources.
- > Advertising agencies and related industries support an advertising market.
- > Advertising revenue as a percentage of total revenue is in line with accepted standards at commercial outlets.
- > Independent media do not receive government subsidies.
- > Market research is used to formulate strategic plans, enhance advertising revenue, and tailor products to the needs and interests of audiences.
- > Broadcast ratings and circulation figures are reliably and independently produced.

Motseta, of *Tswana Times*, felt that “factors such as success and sustainability depend on the maturity of a media outlet.”

Freelancer Kubuetsile felt financial constraints limit the ability of small-scale media to be managed more professionally. Drawing on her own experience of running a failed publication, she said her team had to work overtime because there was no separation between business and editorial functions. “I used to own the newspaper. I would write the stories, distribute the paper from my own car, pay salaries from my own pocket, and I ran the paper [like this] for 10 years,” she said.

Bright Kholi, a senior news reporter at *Ngami Times*, told a similar story: “As the editor of a small weekly, I make sure that pictures are there, adverts are in on time, the only distribution car is in good condition, and the morale of the staff is high.” Mokgoabone, who holds a middle-management position, said that when looking from the outside, local independent media seem well managed, but when seen from inside it is a different story. In his view, “commercialization of the press has led publishers to seek profits to the detriment of promoting editorial independence.” This view was widely supported. However, it is not supported by available research, which suggests that private media outfits operate efficiently and as professional businesses. Standards are high in the print sector, compared with the poor quality of the government news products, enabling private media to retain their market share.<sup>28</sup>

In addressing a multitude of revenue sources, panelists noted that while the bulk of the revenue earned by private media comes from advertising and, in the case of newspapers, copy sales, most media houses are trying to diversify their revenue. The government remains the main advertiser in Botswana, and panelists felt this makes media organizations vulnerable<sup>29</sup> to economic pressure. The feeling remained despite a 2001 ruling by the High Court that a government advertising boycott of the *Botswana Guardian* and *Midweek Sun*, which had consistently criticized government activities, was unconstitutional. Since this ruling, the government has not openly discriminated against the private media in the placement of advertising,<sup>30</sup> although panelists did remark on a 2006 government directive to its departments to be careful where they allocated their advertising budgets. Kubuetsile’s observation that “of late the government and its institutions had issued out advertisement without fear or favor” was widely supported, but panelists felt media houses are still subject to subtle pressures.

Hamufari commented, “Stories that seek to expose corruption in the government are not covered for fear of being stripped off from the advertisement roll.” Mokgoabone observed that media houses that receive government advertising have toned down their reports. Financial pressures also come from the commercial sector, as is evident in a personal example cited by Motseta, who described how his newspaper, the *Tswana Times*, had been offered financial inducements to kill a story that reflected negatively on a large corporation. Mokgoabone observed that both mature and emerging media houses have been subject to financial pressures. Recent government cost-recovery initiatives have also made competition for advertising spending more intense.<sup>31</sup>

In the debate over advertising agencies, the panelists expressed great concern about the impact state-owned media are having on the revenues of independent media houses. Ndlovu claimed that the commercialization of RB 2 and the *Daily News* has had a significant impact on the revenues earned by independent media. “The two state-funded media houses have all the advantages to lure advertising compared to private ones, yet the latter relies heavily on advertisement-generated funds,” he said. Panelists unanimously attributed the fall of *Mokgosi*, a Setswana newspaper, and the recent demise of *Mahube* newspaper to competition from the *Daily News*.

Fairly representing most panelists’ views on the ratio of advertising to other revenue, Ndlovu stated, “The advertisement rates are generally low in the country, and something must be done to make them sustain the business.” Currently, Botswana follows the usual editorial/advertising ratio of 40:60.<sup>32</sup> “Newspapers are failing to cope with their expenses because their sales levels on advertisements are low [compared with the government-owned media],” Thapelo added. Research supports Thapelo’s sentiments. A study by Dr. T. Balule on public-sector advertising in the private media recommends safeguards against government manipulation of the private sector. It also found that most government advertising is being placed in government media and not the private media. What this means is that there is still not enough openness about the use of public funds to prop up the government media. The study concluded that the government should make the process more transparent.<sup>33</sup>

MISA, however, reported in 2007 that the advertising market is large enough, with an estimated advertising spend of BWP 400 million (\$72 million) in 2005 and, more recently, BWP 300 million (\$51 million), arrived at in a study conducted by Methaetsile Leepile. The Internet, radio, and others have not

<sup>28</sup> So this is Democracy 2007? State of media freedom in southern Africa, 2007:159

<sup>29</sup> Ibid: 158–159

<sup>30</sup> African Media Barometer 2007 – Botswana

<sup>31</sup> Ibid:158

<sup>32</sup> Ibid:167

<sup>33</sup> So this is Democracy 2007? State of media freedom in southern Africa, 2007:160

yet explored the advertising market thoroughly enough to secure revenue from it.<sup>34</sup> What this means is that the growing media industry in Botswana, particularly new entries into the industry, such as Internet media, could also be sustained by the advertising market if they could brand themselves more vigorously like those that have long been on the market and have developed a brand. Content, though, ultimately continues to be king. The ability to adapt and to continue to retain audiences relies on riveting, relevant content.

Panelists agreed that independent media receive no government subsidy. This was regarded as an appropriate state of affairs. Kholi, of *Ngami Times*, captured most panelists' opinions when he said, "We need to feel that we are on our own and don't need the government to give us a hand. This will make us independent, and the freedom of expression won't be tampered with." The media industry can draw on other loan programs openly tailored for citizen empowerment, and some private media have benefited from the government-sponsored Citizen Entrepreneurial Development Agency (CEDA).<sup>35</sup>

Media houses have limited access to market research. Lubwika-Phiri echoed the views of most panelists, arguing that "there has been lack of comprehensive market research for media that would direct organizations toward professionally tailored products to the public." However, Mokgoabone observed that when research was conducted, the media did use their findings to "inform their revenue estimates and market readiness and to [retain] their customers (readers and listeners)." No research was available to substantiate this argument.

Panelists reaffirmed their view from last year that accuracy of local media product surveys was compromised, as most media tend to conduct their own surveys and circulation audits. Professional media surveys had not taken root yet despite the presence of circulation bureaus such as Mapping Technology and Consulting and South Africa-based Audit Bureau of Circulation (ABC). Much confidence is placed in the accuracy of ABC. Ramadubu asserted, "Most advertisers have confidence in these audits, as can be proven by the growth in numbers of new advertisements every time they [ABC] announced." While appreciating Ramadubu's assertion, from Kubuetsile's perspective the application of print-media circulation audits is contentious. Kubuetsile, who is based in a rural area of Botswana, argued that media houses outside of Gaborone find it hard to obtain business from advertising agencies mostly because of low circulation figures resulting from small regional populations. "It [is] a very harsh business climate... it [is] nearly impossible to stay out of the red," she said.

<sup>34</sup> African Media Barometer 2007 – Botswana:160-161

<sup>35</sup> Ibid:159

## OBJECTIVE 5: SUPPORTING INSTITUTIONS

### Botswana Objective Score: 2.34

The objective addressing the role of supporting institutions was most controversial. The panel held extremely diverse opinions, yet its score on the issue exactly tracked the overall MSI average score. To accomplish this, however, the score fell rather significantly from 2.82 last year. Most of the indicators fell as well; only Indicator 1 (trade associations) and Indicator 3 (supporting NGOs) maintained their scores from last year. All indicators scored within a half-point of the overall objective score.

Regarding trade and professional associations, press associations do provide a free avenue for all media to seek support, such as the Botswana Editors' Forum, which is affiliated with the Southern Africa Editors Forum and by extension the continental African Editors' Forum; Journalists Against HIV/AIDS in Botswana; Botswana Media Workers Union (BOMEWU); Botswana Filmmakers Association; and the Botswana Independent Producers Association. Some of the older ones, like the Botswana Press Council, are feared moribund.

Panelist Mokgoabone expressed dismay at media practitioners' poor attitude toward associations such as BOMEWU. The media should "consider themselves as workers, too," he said. "Not even one day [can one] read about journalists addressing their concerns as workers; instead we concentrate on writing and criticizing other workers' organization, but we do not have one that represents us." Some panelists could not accept the blanket charge of apathy but agreed that on occasion this trait has emerged. On the other hand, Motseta bemoaned an absence of institutions supporting the professional interests of independent media

#### SUPPORTING INSTITUTIONS FUNCTION IN THE PROFESSIONAL INTERESTS OF INDEPENDENT MEDIA.

##### SUPPORTING INSTITUTIONS INDICATORS:

- > Trade associations represent the interests of private media owners and provide member services.
- > Professional associations work to protect journalists' rights.
- > NGOs support free speech and independent media.
- > Quality journalism degree programs that provide substantial practical experience exist.
- > Short-term training and in-service training programs allow journalists to upgrade skills or acquire new skills.
- > Sources of newsprint and printing facilities are in private hands, apolitical, and unrestricted.
- > Channels of media distribution (kiosks, transmitters, Internet) are private, apolitical, and unrestricted.

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in the country, citing existing media companies elbowing out new ones on their belief the market was saturated.

In spite of the various associations available, it appears safe to say that they do not seem to be making much impact. This was evident from the panelists' comments on the debate regarding supporting organizations. Some understood the debate to refer to media-support institutions, such as MISA and the Press Council, which directly promote media development. Others understood supporting institutions as referring to news accreditation units. Representing the latter group, Motseta cited the difficulties that publications face gaining entry into news functions, as the hosting companies and organizations would require their own extra accreditation. "On several occasions, I found myself closed outside the conference room because I was not accredited by the hosting company," Motseta affirmed. In addition to MISA, Botswana has other media-support organizations, such as SAIMED, which provide business and management development services and mentorship.

It is no coincidence, therefore, that while the media fraternity itself is caught up in validating the trade associations, the government came up with a media practitioners' bill to regulate the media. As an alternative, the government could simply work with associations such as the Botswana Press Council to strengthen the existing self-regulatory mechanism.

A separate indicator addressing professional associations protecting journalists' rights scored better. Panelists agreed that while professional associations did exist, they are not active. Ramadubu observed, "The only time one can hear about the association of journalists in Botswana is when there is a fundraising [event]. After the funds are raised, those campaigning for the funds will disappear into thin air." Panelists agreed that local journalists were not interested in running their own union, which left them exposed to abuse by the public. Lubwika-Phiri and Ndlovu confirmed that BOMEWU was formed a few years ago but had received limited support from journalists. Lubwika-Phiri observed further that the professional associations, such as the Editors' Forum, "[have] gone quiet for unknown reasons." The Editors' Forum had to postpone its 2007 annual general meeting five times after members failed to arrive.

Panelists agreed that NGOs, such as MISA Botswana and the Botswana Media Women Association, did support independent media. For example, it was pointed out that MISA had been instrumental in the formation of the Press Council of Botswana. Equally, the NGO fraternity was acknowledged for having supported the media in ensuring that the government, legislators, and members of the public were adequately sensitized and informed on aspects of the media practitioners' bill.

Other successful media campaigns supported by local NGOs have included showing support to Zimbabwe. For Hamufari, a Zimbabwean national based in Botswana, this campaign meant a lot, and he paid tribute to the NGOs as very helpful in issues of freedom of expression. "You just need to look at what BOCISCOZ [Botswana Civil Society Solidarity Coalition on Zimbabwe] have done to the cause of the Zimbabweans, and you will get the picture," Hamufari said. The coalition includes Ditswanelo, Botswana Secondary School Teachers Union, Botswana Council of Churches, Botswana Council of Nongovernmental Organizations, and MISA. However, research reveals that there is growing concern over the fact that civil-society organizations in the country have become more like government NGOs since most of them are now funded by the government, following the exodus of the traditional NGO funders after Botswana was declared a middle-income country in 1994 by the international community.<sup>36</sup>

Panelists noted that journalism degree programs were offered by the University of Botswana's media studies department and the recently introduced Limkokwing University. However, panelists felt these graduates needed more practical training. Ramadubu said "graduates need to be tested in the field," while Lubwika-Phiri said she would hire someone with journalism experience over a student fresh from the university. "Journalism is a hands-on profession," she said.

Scoring lower was the related issue of short-term training for working journalists. MISA-Botswana and SAIMED were singled out as the only organizations offering training to professional journalists in Botswana.

While they had little to say about access to newsprint and printing facilities, panelists felt the government has been flexing its financial muscles in this area. They accused the government-owned media of crowding the small media market by going commercial. The government decision in late 2005 to purchase a printing press and take control of the production of the daily newspaper previously printed by *Mmegi* still was contentious. As Ndlovu put it: "Botswana government is no different from those states that forcefully close media houses, but it does it in a more subtle and soft way."

Last, the indicator for channels of media distribution being in private hands, apolitical, and not restricted received the highest score of all the indicators in this objective. Panelists had little to say on this indicator, although Lubwika-Phiri reiterated the earlier submission by Mokgoabone that government should rent space on their transmitters to private radio stations. "There is no need to invest," she said.

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<sup>36</sup> Ibid:153

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## List of Panel Participants

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